Supreme Court, U. S.
FILED
DEC 19 1973
MICHAEL RODAK, JR., CLERK

APPENDIX

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1972

No. 72-1513

CON F. SHEA, individually and as Executive Director of the DEPARTMENT OF SOCIAL SERVICES, STATE OF COLORADO, et al., *Petitioners,*

v.

ASCENSION VIALPANDO, for herself and her minor child, SABRINA VIALPANDO,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITION FOR CERTIORARI FILED MAY 9, 1973

CERTIORARI GRANTED NOVEMBER 5, 1973

INDEX

	Page
1. General Docket of the United States Court of Appeals for the Tenth Circuit, Case No. 72-1218	1
2. Section 3140 of the HANDBOOK OF PUBLIC ASSISTANCE ADMINISTRATION (3/11/57)	3
3. Section 3140 of the HANDBOOK OF PUBLIC ASSISTANCE ADMINISTRATION (4/22/64)	4
4. Letter dated September 26, 1969, from Department of Health, Education, and Welfare to "State Agencies Administering Approved Public Assistance Plans"	7
5. Complaint filed on July 22, 1970, in the United States District Court for the District of Colorado, Civil Action No. C-2449, on behalf of Ascension Vialpando for herself and her minor child, Sabrina Vialpando, and both on behalf of all others similarly situated, against Con F. Shea, individually and as Executive Director of the Department of Social Services, State of Colorado, et al.	11
6. Answer filed on September 30, 1970, on behalf of all defendants except Melvin Pobanz, individually and as Director of the E Paso County Department of Public Wefare, in the United States Dstrict Court for the District of Colorado, Civil Action No. C-2449	18
7. Answer filed on December 31, 1970, on behalf of defendant Melvin Pobanz individually and as Director of the El Paso County Department of Public Welfare, in the United States District Court for the District of Colorado, Civil Action No. C-2449	39
8. Memorandum to Douglas D. Doane, Director, Legal Division, Colorado Department of Social Services, from Ray M. Freeman, Director, Research and Statistics, Colorado Department of Social Services, dated October 6, 1971, regarding "Analysis of Earnings Expense Allowances," (together with supporting statistical data as originally filed with the District Court)	40
9. Memorandum Opinion and Order of the United States District Court for the District of Colorado, Civil Action No. C-2449, dated January 13, 1972	42
10. Judgment filed in the United States District Court for the District of Colorado, February 17, 1972, Civil Action No. C-2449	50
11. Affidavit, and attachments, of John H. Jones, Director of Program Planning and Development Division of the Colorado Department of Social Services, concerning the derivation of Rule 4313.13 of the Colorado Division of Public Welfare Staff Manual filed February 29, 1972, Civil Action No. C-2449	53
12. Memorandum Opinion of the United States District Court for the District of Colorado, March 9, 1972, Civil Action No. C-2449	78
13. Assistance Payments Regional Memorandum Number 12, dated May 15, 1972	84
14. Opinion of the United States Court of Appeals, Tenth Circuit, dated March 22, 1973, Case No. 72-1218	87

GENERAL DOCKET

United States Court of Appeals

for the Tenth Circuit

VIALPANDO V. SHEA, Nos. 72-1218 and 72-1345.

DATE	FILINGS—PROCEEDINGS
3-23-72	Cause docketed; motion for stay of execution pending appeal and for other relief, orig. & 6cc. w/attached memorandum supporting motion for stay.
3-27-72	Appearance—Appellee—Kin, Armour.
3-28-72	Appearance—Appellants—Dunbar, Moore, Doane and Lennahan.
3-30-72	Appellees opposition to appellants motion for stay of execution pending appeal—0 & 3cc— c/s 3-31-72. Memorandum in opposition to appellants motion for stay of execution pending appeal—O & 3ccc—c/s 3-31-72. (Fwd. to Doyle) (Fwd. to Lewis and Barrett—3-31-72)
3-31-72	Order: Stay of execution of judgment entered by Dist Court in Civil Action C-2449 on 2-18-72 is granted pending appeal and until further order of this Court. The stay shall be effective against any proceedings to enforce said judgment. Appellants, in connection with their appeal from the trial court's judgment are relieved of the obligaton to file either a bond for costs on appeal or a supersedeas bond. (Lewis, Barrett, Doyle)
4-3-72	Appearance—Appellee (For Melvin Pobanz etc·) Palermo, Johnson
4-11-72	Appellees Motion for accelerated briefing schedule and hearing date—0 & 3cc—c/s.
4-17-72	State appellant's opposition to appellee's motion for accelerated briefing schedule and hearing date—orig. & 3cc. Docketing statement, orig. & 3cc.
4-18-72	Appellees' Brief—0 & 6cc—c/s. (Fwd. to Lewis and McWilliams together with motion for accelerated schedule and opposition thereto).
4-21-72	Stipulation of parties of consolidation of appeals of Con F. Shea, et al., Melvin Pobanz—0 & 3cc.
4-25-72	Order: Appellees' motion for accelerated briefing schedule and hearing date DENIED. (Lewis, McWilliams)
5-11-72	Record on appeal, Vol· I, orig. (302 pp.). Order—assigned to General Calendar; appellant's brief due 6-21-72—Lewis
6-20-72	State Defendants Aplts motion for ext. of time to file brief—0 & 3cc—c/s Order: Aplts. granted to 6-23-72 to file brief—HKP—cnsl. notfd.

GENERAL DOCKET

United States Court of Appeals

for the Tenth Circuit

DATE	FILINGS—PROCEEDINGS
6-23-72	Appellant's brief—25cc—c/s
6-23-72	RECORD ON APPEAL—Volume I-3cs
7-26-72	Appellee's brief—0 & 6cc—c/s
8-9-72	Set for Hearing—Special Session—Denver—September 1972
8-9-72	Appellants motion for ext. of time to file reply brief—0 & 3cc—cs (Fwd. to Panel).
8-14-72	Order: Appellants, except Pobanz, granted ext. of time to 9-1-72 to file reply brief—Panel.
9-1-72	Appellant's reply brief—25cc—c/s
9-18-72	Argued and submitted—Lewis, Pickett, McWilliams.
11-20-72	Letter request to forward copies (included) of Conover v. Hall decision from Calif. Ct. of Appeals No. 3 Civil 13289, to Panel—0 & 3cc—c/s Forwarded to panel.
12-22-72	Appellees' supplemental authority—0 & 3cc—c/s—Forwarded to Panel.
1-26-73	Appellees' supplemental authority—0 & 3cc—c/s—fwd. to panel.
3-22-73	Opinion—Lewis, Pickett, McWilliams Judgment: Affirmed.
4-6-73	Appellants' motion for stay of mandate pending application for certiorari and for other relief and memorandum in support thereof—0 & 3cc—c/s. (Fwd. to Panel—4-9-73).
4-12-73	Order: Appellant's motion for stay of mandate pending application for certiorari GRANTED to 5-12-73. (Lewis, Pickett, McWilliams)
4-16-73	Appellee's motion to reconsider granting of appellant's motion for stay pending application for certiorari—Orig. —c/s (Fwd. to Panel).
4-24-73	Order: Appellees' motion for Court to reconsider its Order granting appellants' motion for stay of mandate pending application for cert. is DENIED. (Lewis, Pickett, McWilliams)
5-14-73	Certified copy of order from Supreme Court that petition for writ of certiorari filed on 5-9-73. (No. 72-1513)
11-12-73	Certified copy of order from Supreme Court granting petition for writ of certiorari on 11-5-73.

Eligibility and Payments to Individuals—Need—3/11/57.3140. Specific Applications—Income and Resources

1. Employment Expenses

A State public assistance agency may establish a reasonable minimum money amount to represent the combined additional cost of three items — food, clothing, and personal incidentals — for all employed persons. The State plan may provide that other items of work expense will be allowed when there is a determination that such expenses do, in fact, exist in the individual case. On the basis of such a finding in fact of the existence of other expenses related to employment, money amounts for such expenses may be added above the minimum flat amount, provided no duplication of items exists. This method is acceptable, whether the items of work expense are included in a State's standard for requirements, or whether the agency uses the method in arriving at net income in determining resources.

The purpose of this interpretation is to help States simplify administration by eliminating the need for individual case determinations of certain common needs of employed persons. Increased food necessitated by increased activity along with increased clothing and grooming necessitated in holding a job may be standardized and accepted as common needs of all employed persons. The State agency should be in a position to support the reasonableness of any minimum money amount established for these items within the general framework of its assistance standards and its knowledge and experience with respect to work expenses of recipients.

Eligibility Assistance, and Services—Need—4/22/64

3140. Specific Applications—Income and Resources

1. Employment Expenses

Sections 2(a)(10), 402(a)(7), 1002(a)(8), 1402(a)(8), and 1602(a(14) of the Social Security Act require that, in considering income and resources, the State agency shall take into consideration any expenses that are *reasonably attributable* to the earning of any such income. These requirements became effective July 1, 1963, with the exception of title XVI, which is effective with the approval of the State plan. For similar provision applicable in the Community Work and Training Program under title IV, see IV-3462.21 and IV-3463.

Interpretation

The provision for the consideration of expenses of earning income was included in the law to insure that all States will recognize work expenses in determining net income. Also, if work expenses are not considered by a State agency in its plan material, it has the effect of failing to provide an incentive for working since that portion of the family income spent for work expenses has the effect of reducing the amount available for food, clothing, and shelter.

Increased food necessitated by greater activity, along with the additional clothing and its care, and better grooming necessitated in holding a job, *may be standardized* as accepted, common needs of all employed persons. There-

fore, to simplify administration, a State public assistance agency may establish a reasonable money amount to represent the combined additional cost of these three items — food, clothing, and personal incidentals — for all employed persons. The State agency should be in a position to support the reasonableness of any money amount established for these items within the general framework of its assistance standards and its knowledge and experience with respect to work expenses of recipients. This method is acceptable, whether the items of work expenses are included in a State's standard for requirements, or whether the agency uses the method of deduction of work expenses from earned income in arriving at the individual's net income from his employment.

Items of work expenses must be allowed when there is determination that such expenses do, in fact, exist in the individual case. On the basis of a finding of the existence of expenses related to employment, money amounts for such expenses must be added to the individual's needs or deducted from his earned income in such a way as to assure that no duplication of items will exist.

In addition to the increased cost of food, and additional amounts of clothing, care of clothing and personal incidentals, other expenses reasonably attributable to earning income might include:

Special safety or protective clothing items or uniforms and the cost of cleaning or laundering of these special items.

Participation in the "snack break" where it is the custom for that employment.

Transportation to and from work and transportation on job if not reimbursed by the employer.

Contributions to collections for employee benefits, etc., as are found to be necessary in connection with holding the job.

Tools and licenses required for the job.

Dues to unions, business organizations, employee clubs, or similar assessments.

Educational expenses related to employment, including any necessary publications.

Care of child(ren) at home or in day-care facilities, cost of more expensive ready prepared foods for the family when the housewife works.

Special safety devices needed by handicapped people not furnished by the employer.

Requirement for State Plans

Effective July 1, 1963, a State plan under titles I, IV, X, and XIV, and, effective on approval, a State plan under title XVI, must provide that, in determining need, any expenses reasonably attributable to the earning of income will be taken into consideration.

H.T. No. 22

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE
SOCIAL AND REHABILITATION SERVICE

Washington, D.C. 20201

Assistance Payments
Administration

September 26, 1969
SRS-APA-PS

TO STATE AGENCIES ADMINISTERING
APPROVED PUBLIC ASSISTANCE PLANS

Subject: Conversion Tables for the Application of the Disregard of the First $30 and 1/3 of the Remainder of the Gross Income of AFDC Family

The attached Conversion Tables have been developed for your optional use in cooperation with the National Center for Social Statistics and staff of several Regional Offices as a tool for applying the disregards mandated in Section 402(a)(8)(A) (ii) of the Social Security Act and SRS Program Regulation 20-7 Section 233.20(e) 11 (ii) (b).

Tables have been devised according to weekly, (Column 1), bi-weekly, (Column 2), semi-monthly, (Column 3) and monthly (Column 4) pay periods, whichever is appropriate for the individual cases. The monetary amounts are expressed as gross earnings.

Column 5 represents the amount remaining after the application of the disregard of the first $30 and 1/3 of the remainder. These amounts have been rounded for $.50 (fifty cents) and over to the nearest dollar. For State

agencies which have objectively and equitably identified a standard amount for expenses reasonably attributable to employment, the tables may be further adjusted as demonstrated below,

For example: In a situation where a State agency has an established standard of a $50 per month for all mandatory payroll expenses and all occupational expenses, the attached tables for such a State agency could be adapted to read as follows:
Conversion Tables of Gross Earnings by Frequency of Pay Period. The Application of the Disregard of the First $30 and 1/3 Remainder of AFDC Family Gross Income and Deduction of State Standard of Expenses Reasonably Attributable to the Earnings of One Wage Earner.*

(1) Weekly	(2) Bi-Weekly	(3) Semi-Monthly	(4) Monthly	(5) Net Amount Remaining Less $30 and 1/3 of Expenses of One Wage Earner
Up To:	Up To:	Up To:	Up To:	
24.06 - 24.40	48.12 - 48.80	52.13 - 52.87	104.25 - 105.74	0
24.41 - 24.74	48.81 - 49.49	52.88 - 53.62	105.75 - 107.24	1.00
24.75 - 25.09	49.50 - 50.19	53.69 - 54.37	107.25 - 108.74	2.00
25.10 - 25.44	50.20 - 50 88	54.38 - 55.12	108.75 - 110.24	3.00
25.45 - 25.78	50.89 - 51.57	55.13 - 55.87	110.25 - 111.74	4.00

Methodology for application of the mandated disregard in AFDC (AFDC family eligible in accordance with Section 402(a)(8) (D) of the Social Security Act.)

.1 If State Agency has opted to disregard not more than $5 a month per recipient of any income, deduct this designated amount.

(*For each additional wage earner, deduct amount designated by State agency.)

.2 Disregard all the earned income any dependent child who is a full or part-time student who is not a full-time employee.

3 . From the remaining gross income of the AFDC family apply the disregard of the first $30 and 1/3 of the remainder.

4. From the remaining amount in 3 above, subtract expenses reasonably attributable to the earning of income for each wage earner (excepting those expenses attributable to the earnings of a dependent child whose income is disregarded in accordance with 2 above).

5. If State agency has opted to provide for conservation of income for future identifiable needs of a child deduct the applicable amounts.

6. The remainder from 4 and 5 above, whichever is applicable, plus all other available income is subtracted from the amount used by the State to determine need and the amount of the assistance payment.

Determination or redetermination of eligibility for AFDC family who has not been receiving AFDC for any one of the four months preceding the month of the determination.

1. The total AFDC family income, earned and unearned, less only the expenses reasonably attributable to earning of income for each wage earner is to be applied to the appropriate amount used by the State to determine need.

2. If there is a budget deficit without the application

of any of the disregards and conservations (that is the disregard of student earned income, first 30 and 1/3 remainder, setting aside for future needs of a child, and the disregard of up to $5 per recipient of any income — Sections 402(a)(8) A (i) & (ii), 402(a)(8)B(i) & (ii) of the Social Security Act, respectively then the method as identified in the above is applicable.

3. If there is no budget deficit, that is the total AFDC family income exceeds the apropriate amount used by the State to determine need, the family is not eligible.

Sincerely,
STEPHEN P. SIMONDS
Commissioner

IN THE

UNITED STATES

DISTRICT COURT

FOR THE

DISTRICT OF COLORADO

Civil Action No. C-2449

[Filed July 22, 1970]

G. WALTER BOWMAN, Clerk

COMPLAINT

ASCENSION VIALPANDO for herself and her minor child, SABRINA VIALPANDO, and both on behalf of all others similarly situated,

Plaintiffs.

vs.

CON F. SHEA, individually and as Executive Director of the DEPARTMENT OF SOCIAL SERVICES, STATE OF COLORADO; CHARLINE J. BIRKINS, individually and as Director of the COLORADO STATE DIVISION OF PUBLIC WELFARE; PETER SAMAC, ERNEST J. BLOEDORN, DAMIAN P. DUCY, JOHN L. HALEY, JAMES A. HENDERSON, M.D., GAIL F. OUREN, HENRY J. TUPPER, WILLIE E. ANTHONY, JAME H. VINCENT, individually and as constituting the COLORADO STATE BOARD OF SOCIAL SERVICES; and MELVIN POBANZ, individually and as Director of the EL PASO COUNTY DEPARTMENT OF PUBLIC WELFARE,

Defendants.

I. JURISDICTION

This is an action for injunctive and declaratory relief under 42 U.S.C. §1983 to redress the deprivation under color of state law of rights, privileges and immunities secured to the Plaintiff by the statutes and the Constitution of the United States. Jurisdiction is based on 28 U.S.C. §1343(3) and (4). Declaratory judgments are authorized by 28 U.S.C. §2201 and 2202.

II. THREE-JUDGE COURT

One of Plaintiff's claims involves the constitutionality of state welfare regulations. Thus, a three-judge court should be convened under 28 U.S.C. §2282 and 2284.

III. CLASS ACTION

A. Plaintiffs bring this action pursuant to Rule 23(b)(2) and (3). The members of this class are too numerous to make joinder practicable; there are common questions of law and fact; Plaintiff's claims are typical of the claims of the class; and Plaintiffs will fairly and adequately protect the interests of the class.

B. The class can be defined as all AFDC recipients in the State of Colorado who are employed and whose reasonable employment expenses exceed $30.00.

IV. DEFENDANTS

The State Board of Social Services administers the Colorado Department of Social Services and makes AFDC rules and regulations binding on all counties in the State. The Colorado Department of Social Services through Defendant Con F. Shea, and the Division of Public Welfare through Defendant Charline F. Birkins, enforce the AFDC rules and regulations and supervise the county departments of public welfare. The El Paso County Department of Public Welfare through Defendant Melvin Pobanz, administers the AFDC program in El Paso County, subject to the rules and regulations of the State Board of Social Services.

V. THE FACTS

Ascension Vialpando and her daughter, Sabrina Vialpando (age 2), live at 320 E. Iowa in Fountain, Colorado.

Mrs. Vialpando cares for her 78 year old father, and two of her brothers also live in the household. Mrs. Vialpando works at Sno-White Laundry in Colorado Springs, Colorado, which involves a 40-mile round trip to work each day. She earns approximately $208.00 per month.

Prior to July 1, 1970, Mrs. Vialpando received an AFDC grant of$74.00 per month. She was allowed employment expenses of $47.30 in mileage and $63.81 in car payments on a 1969 Volkswagon. The El Paso County Department of Public Welfare had promised to pay her monthly child care expenses of $40.00, but this has never been done.

On July 1, 1970, Mrs. Vialpando was terminated from her grant under §4313.13 of the Colorado Manual of Public Assistance. (See Exhibit A.). She now brings home $56.89 after child care and employment expenses, and is unable to properly care for herself and her minor child.

VI. THE SOCIAL SECURITY ACT

Section 402(a) (7) of the Social Security Act, 42 U.S.C. §602(a)(7) requires the States to deduct all reasonable employment expenses in determining the net income of AFDC receipients.

VII. H.E.W. REGULATIONS

The Department of Health, Education and Welfare has interpreted §402(a)(7) in the Handbook of Public Assistance Administration at §3140. This regulation allows the States to standardize three items of employment expense — food, clothing and personal incidentals. All other employment expenses must be itemized in each individual case. (See Exhibit B)

VIII. THE COLORADO AFDC PLAN

Effective July 1, 1970, the Colorado Board of Social Services adopted regulation 4313.13 limiting to a maximum of $30.00 the amount of expenses that can be deducted from employment income. (See Exhibit C.)

IX. CONSTITUTIONAL CLAIM

Section 4313.13 of the Colorado Manual of Public Assistance imposes an arbitrary maximum on employment expense in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

X. STATUTORY CLAIM

Section 4313.13 of the Colorado Manual of Public Assistance violates 402(a)(7) of the Social Security Act and §3140 of the Handbook of Public Assistance Administration.

XI. DAMAGES

As a result of Defendants' imposition of a maximum on employment expenses for AFDC recipients, Plaintiffs suffer damages of $74.00 per month beginning July 1, 1970.

In addition, Plaintiff suffer damages of $40.00 per month because of Defendants' refusal to pay child care expenses.

XII. NEED FOR EXTRAORDINARY RELIEF

As a result of Defendant's action, Ascension Vialpando must support herself and her child on a net income of $56.89 per month. This is irreparable injury which will

continue unless the Defendants are immediately enjoined by this Court.

XIII. RELIEF REQUESTED

On behalf of herself and all others similarly situated, Plaintiffs ask the Court.

1. To assume jurisdiction and convene a three judge court.

2. To enter judgment declaring §4313.13 of the Colorado Manual of Public Assistance unconstitutional and contrary to §402(a)(7) of the Social Security Act.

3. To enjoin Defendants from standardizing employment expenses under the AFDC program except in accordance with §3140 of the Handbook of Public Assistance Administration.

4. To enter judgment on behalf of the Plaintiff in the amount of AFDC benefits wrongfully withheld.

5. To grant such other relief as the Court deems apprporiate.

LEGAL SERVICES OFFICE
OF EL PASO CO.

J. GREGORY WALTA,

DAVID H. BARNHIZER,
Attorneys for Plaintiff
300 Colorado Commercial
Bank Bldg.
Colorado Springs, Colorado
Phone: 471-0380

PA-75 (4/70)

COLORADO DEPARTMENT OF
SOCIAL SERVICES — DIVISION OF WELFARE
NOTICE OF PROPOSED ACTION
TO TERMINATE BENEFITS
EL PASO COUNTY

VIALPANDO, Ascension, Payee's Name; 320 E. Iowa, Fountain, Colo. 80817, Address; 38100-02, H.H. Number.

I.

Our records show that you (or one or more persons in your household) are no longer eligible for welfare benefits. Such assistance will be stopped as of July, 1970.

II.

REASON FOR PROPOSED TERMINATION OF ASSISTANCE AND WELFARE RULES WHICH APPLY: 4313.13 — State Board action effective 1-July-1970 limited to a maximum of $30.00 the amount of expenses that can be deducted from employment income. Prior to 1 July 1970 you were allowed to deduct $47.30 mileage and $63.81 car payments as employment expense. Under the new rules you are allowed only $30.00 expenses and your employment income exceeds your ADC budget. Therefore, your welfare benefits must be discontinued.

III.

If you do not agree, you have the right to a hearing before this termination to:

Appear personally to give additional facts or information,

Confront, challenge, and cross-examine the people who made the decision,

Bring a friend, relative or lawyer to help you.

IV.

If you want to meet with us before your welfare assistance is stopped, the following time has been reserved for you for this purpose: Afternoon of June 23. Please call 471-5696 if you desire an appointment.

V.

If we do not hear from you, or you do not appear at the time set aside above, we will assume that you do not wish to object to having your assistance stopped.

EXHIBIT A

CHARLES ROOT,
Signature of Person
Responsible for Decision
Eligibility Supervisor, Title
June 16, 1970
Date of Mailing of this Notice

Exhibit "B" to Complaint, "Section 3140 of the *Handbook of Public Assistance Administration* (4/22/64)," appears as Item 3 of this APPENDIX.

Exhibit "C" to Complaint, "Rule 4313.13 of the Colorado Division of Public Welfare Staff Manual," appears as Exhibit "J" to Item 11 of this APPENDIX, which is Affidavit of John H. Jones.

(Cert. of Mailing Omitted)

United States District Court

Civil Action No. C-2449

[Filed September 30, 1970]
G. WALTER BOWMAN, Clerk

ANSWER

COME NOW defendants Con F. Shea, individually and as Director of the Colorado Department of Social Services; Charline J. Birkins, individualy and as Director of the Colorado State Division of Public Welfare; Peter Samac, Ernest J. Bloedorn, John L. Haley, James A. Henderson, Gail F. Ouren, Henry J. Tupper, Willie E. Anthony and James H. Vincent, individualy and as members of the Colorado State Board of Social Services, by and through their attorneys, and for their Answer to plaintiffs' Complaint, state and allege:

I.

The allegations of Paragraph I of plaintiffs' Complaint are denied.

II.

The allegations of Paragraph II of plaintiffs' Complaint are denied.

III.

The allegations of Paragraph III of plaintiffs' Complaint are denied.

IV.

The allegations of Paragraph IV of plaintiffs' Complaint are admitted.

V.

Defendants are without sufficient knowledge or information as to the truth of the allegations in Paragraph V of plaintiffs' Complaint, and therefore deny said allegations.

VI.

The allegations of Paragraph VI of plaintiffs' Complaint are denied in that plaintiffs only state their interpretation of the requirements of 402(a)(7) of the Social Security Act, 42 U.S.C. 602(a)(7). The above law referred to by plaintiffs requires in relevant part:

> "A state plan for aid and services to needy families with children must . . . except as may be otherwise provided in clause (8), provide that the state agency shall, in determining need, take into consideration any other income and resources of any child or relative claiming aid to families with dependent children . . . AS WELL AS ANY EXPENSES REASONABLY ATTRIBUTABLE TO THE EARNING OF ANY SUCH INCOME." (Emphasis supplied.)

VII.

The allegations of Paragraph VII of plaintiffs' Complaint are denied in that plaintiffs only state their interpretation of the Department of Health, Education, and Welfare interpretation of the requirements of 402(a)(7) of the Social Security Act, which is found in the Handbook of Public Assistance Administration at Section 3140, and in SRS Program Regulation 20-7 of the Department of Health, Education, and Welfare, effective January 29, 1969. (Defendants' Exhibit A.)

It is further alleged that prior to the Board of Social Services adopting the challenged regulation of the Department of Social Services on July 1, 1970, that the Regional Office of the Department of Health, Education, and Welfare in Denver approved the said regulation.

VIII.

The allegations of Paragraph VII of plaintiffs' Complaint are admitted except it is denied there is a maximum of $30.00 employment expense that can be deducted. It is affirmatively alleged that an allowance of $30.00 per month is made for employment expenses as set out in Exhibit C to plaintiffs' Complaint.

IX.

The allegations of Paragraph IX of plaintiffs' Complaint are denied.

X.

The allegations of Paragraph X of plaintiffs' Complaint are denied.

XI.

The allegations of Paragraph XI of plaintiffs' Complaint are denied.

XII.

The allegations of Paragraph XII of plaintiffs' Complaint are denied.

AFFIRMATIVE DEFENSES

1. The rule of the Department of Social Services challenged by plaintiffs does not violate the Social Security Act provisions or the regulations of the Department of Health, Education, and Welfare which were in effect at the time of the filing of this action.

2. The rule of the Department of Social Services challenged by plaintiffs does not violate the equal pro-

tection clause of the Fourteenth Amendment to the United States Constitution.

3. The alleged employment expenses of plaintiff Ascension Vialpando, if they are her employment expenses, are not reasonably attributable to the earning of her income but are unreasonable.

4. Plaintiff Ascension Vialpando has not pursued viable and effective remedies available through the pre-termination and appellate hearing processes of the County and State Department of Social Services.

WHEREFORE, defendants pray

1. that plaintiffs' Complaint be dismissed;

2. that judgment enter in favor of the defendants; and

3. that the Court grant such further relief as may be necessary and proper.

DUKE W. DUNBAR,
Attorney General
JOHN P. MOORE,
Deputy Attorney General
BY DOUGLAS D. DOANE,
Special Assistant
Attorney General
104 State Capitol
Denver, Colorado 80203
Attorneys for State Defendants

(Cert. of Mailing Omitted in Printing)

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE
SOCIAL AND REHABILITATION SERVICE
WASHINGTON, D.C. 20201

Received February 10, 1969
State of Colorado
Dept. of Social Services

SRS Program Regulation 20-7

January 29, 1969

TO:

State Administrators and other Interested Organizations and Agencies.

SUBJECT:

Ttitles I, IV, X, XI, XIV, and XVI of the Social Security Act: Need and Amount of Assistance.

CONTENT:

Final regulations clarifying previous policy and implementing sections 2(a) (10) (A), 402(a)(7) and (8), 402(a)(23), and 1002(a)(C), 1402(a)(8)(A), 1602(a)(14)(D), 1109 and 1119 of the 1967 amendments to the Social Security Act and section 109 of the 1967 amendments to the Economic Opportunity Act, covering State plan requirements and conditions of Federal financial participation in public assistance payments.

EFFECTIVE DATE:

The regulations are effective on date of publication in the *Federal Register*: January 29, 1969.

BACKGROUND:

This subject was covered in Interim Policy Statement No. 4, issued to States on May 31, 1968, and

was published in the *Federal Register* on July 17, 1968, under the title "Need-Requirements for State Public Assistance Plans." The final regulations will be codified in Title 45, Chapter II, Part 233 of the Code of Federal Regulations.

MANUAL REFERENCE:

Handbook of Public Assistance, Part IV-3100 Guide materials are in preparation and will be issued at the earliest opportunity.

INQUIRIES TO:

SRS Regional Commissioners.

JOSEPH H. MEYERS,
Acting Administrator

EXHIBIT "A"

PR 20-7

TITLE 45 — PUBLIC WELFARE

CHAPTER II — SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Interim Policy Statement No. 4 setting forth the regulations for the programs administered under Titles I, IV-Part A, X, XIV and XVI of the Social Security Act, with respect to Need, was published in the *Federal Register* of July 17, 1968 (33 F.R. 10230). Views of interested persons were requested, received and considered, and, in the light thereof, certain changes in the regulations were made. The following are the major

changes: (1) The method for disregard of earned income has been modified. In arriving at the amount of earned income to be applied against the assistance budget the amount to be disregarded is to be deducted from gross income rather than from net income. Next, the amount allowed for work expenses is to be deducted. The remaining amount is then applied against the assistance budget. (Sec. 233.20(a)(7)). (2) The regulations now permit several options for the disregard of income in the AFDC program prior to July 1, 1969, not included in the Interim Policy (Sec. 233.20(a)(11)(i) and (ii)). (3) In regard to the requirement to adjust AFDC standards by July 1, 1969 the regulations now make it clear that while States must update their standards, if the States do not have the money to pay according to such standards they may make a ratable reduction. (Sec. 233.20(a)(2)(ii)).

Accordingly, such regulations, as amended, are hereby codified by adding a new section 233.20 in part 233. Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 233.20 Need and amount of assistance.

(a) *Requirements for State Plans.* A State plan for OAA, AFDC, AB, APTD or AABD must, as specified below:

(1) *General.* Provide that the determination of need and amount of assistance for all applicants and recipients will be made on an objective and equitable basis and all types of income will be taken into consideration in the same way, except where otherwise specifically authorized by Federal statute.

(2) *Standards of assistance.* (i) Specify a State-wide standard, expressed in money amounts, to be used in

determining (*a*) the need of applicants and recipients and (*b*) the amount of the assistance payment.

(ii) In the AFDC plan, provide that by July 1, 1969, the State's standard of assistance for the AFDC program will have been adjusted to reflect fully changes in living costs since such standards were established, and any maximums that the State imposes on the amount of aid paid to families will have been proportionately adjusted. In such adjustment a consolidation of the standard (i.e., combining of items) may not result in a reduction in the content of the standard. In the event the State is not able to meet need in full under the adjusted standard, the State may make ratable reductions in accordance with paragraph (a)(3)(viii) of this section. Nevertheless, if a State maintains a system of dollar maximums, these maximums must be proportionately adjusted in relation to the updated standards.

(iii) Provide that the standard will be uniformly applied throughout the State.

(iv) Include the method used in determining needs, which must be one of the three methods described in "Guides and Recommendations" or a comparable method which meets the conditions specified in such guides and is approved by the Assistance Payments Administration.

(v) If the State agency includes special need items in its standard, (*a*) describe those that will be recognized, and the circumstances under which they will be included, and (*b*) provide that they will be considered in the need determination for all applicants and recipients requiring them.

(vi) If the State chooses to establish the need of the individual on a basis that recognizes, as essential to his well-being, the presence in the home of other needy

individuals, (*a*) specify the persons whose needs will be included in the individual's need, and (*b*) provide that the decision as to whether any individual will be recognized as essential to the recipient's well-being shall rest with the recipient.

(3) *Income and resources; OAA, AFDC, AB, APTD, AABD.* (i) Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet current and future needs while assistance is received on a continuing basis. In addition to the home, personal effects, automobile and income producing property allowed by the agency, the amount of real and personal property, including liquid assets, that can be reserved for each individual recipient shall not be in excess of two thousand dollars. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased.

(ii) Provide that, in establishing financial eligibility and the amount of the assistance payment: (*a*) all income and resources, after policies governing the allowable reserve, disregard or setting aside of income and resources have been applied, will be considered in relation to the State's standard of assistance, and will first be applied to maintenance costs; (*b*) if agency policies provide for allocation of the individual's income as necessary for the support of his dependents, such allocation shall not exceed the total amount of their needs as determined by the State-wide standards; (*c*) only such net income as is actually available for current use on a regular basis will be considered, and only currently available resources will be considered; (*d*) current payments of assistance will not be reduced because of prior overpayments unless the

recipient has income or resources currently available in the amount by which the agency proposes to reduce payment; except that where there is evidence which clearly establishes that a recipient willfully withheld information about his income or resources, such income or resources may be considered in the determination of need to reduce the amount of the assistance payment in current or future periods; and (*c*) income and resources will be reasonably evaluated.

(iii) Provide that no inquiry will be made of the amount of earnings of a child under 14 years of age.

(iv) Provide that, in determining the availability of income and resources, the following will not be included as income: (*a*) income equal to expenses reasonably attributable to the earning of income; (*b*) loans and grants, such as scholarships obtained and used under conditions that preclude their use for current living costs; and (*e*) home produce of an applicant or recipient, utilized by him and his household for their own consumption.

(v) Provide that agency policies assure that when support payments by absent parents have been ordered by a court, a regular amount of income is available monthly to meet the determined needs of the mother and children, whether or not the support payments are received regularly, and the agency does not delay or reduce public assistance payments on the basis of assumed support which is not actually available.

(vi) If the State agency holds relatives responsible for the support of applicants and recipients, (*a*) include an income scale for use in determining whether responsible relatives have sufficient income to warrant expectation that they can contribute to the support of applicants or recipients, which income scale exceeds a minimum level

of living and at least represents a minimum level of adequacy that takes account of the needs and other obligations of the relatives; and (*b*) provide that no request will be made for contributions from relatives whose net cash income is below the income scale. In family groups living together, income of the spouse is considered available for his spouse and income of a parent is considered available for children under 21.

(vii) If the State agency establishes policy under which assistance from other agencies and organizations will not be deducted in determining the amount of assistance to be paid, provide that no duplication shall exist between such other assistance and that provided by the public assistance agency. In such complementary program relationships, non-duplication shall be assured by provision that such aid will be considered in relation to:

(*a*) the different purpose for which the other agency grants aid, such as vocational rehabilitation; (*b*) the provision of goods and services that are not included in the State-wide standard of the public assistance agency, e.g., a private agency might provide money for special training for a child or for medical care when the public assistance agency does not carry this responsibility; or housing and urban development relocation adjustment payments for items not included in assistance standards; or (*c*) the fact that public assistance funds are insufficient to meet the total amount of money determined to be needed in accordance with the State-wide standard. In such instances, grants by other agencies in an amount sufficient to make it possible for the individual to have the amount of money determined to be needed, in accordance with the public assistance agency standard, will not constitute duplication.

(viii) Provide that payment will be based on the determination of the amount of assistance needed and that, if full individual payments are precluded by maximums or insufficient funds, adjustments will be made by methods applied uniformly State-wide.

(ix) Provide that the agency will establish and carry out policies with references to applicants' and recipients' potential sources of income that can be developed to a state of availability.

(4) *Disregard of income common to OAA, AFDC, AB, APTD, or AABD.* (1) (i) If the State chooses to disregarding or setting aside income, specify the amount that is first to be disregarded, but not more than $7.50 ($5 in AFDC) per month, of any income of an individual, child or relative claiming assistance. All income must be included such as social security or other benefits, earnings, contributions from relatives, or other income the individual may have.

(ii) Provide that, in determining need and the amount of the assistance payment, the following will be disregarded: (*a*) the value of the coupon allotment under the Food Stamp Act of 1964 in excess of the amount paid for the coupons; (*b*) the value of the United States Department of Agriculture donated foods (surplus commodities); and (*c*) any highway relocation assistance paid under the Federal-Aid Highway Act of 1968.

(iii) Provide that income and resources which are disregarded or set aside under this part will not be taken into consideration in determining the need of any other individual for assistance.

(5) *Disregard of income applicable to OAA, AB, APTD or AABD.* Provide that, in determining need and

amount of assistance, (i) with respect to payments made to or on behalf of an individual or to or on behalf of another person, for any month, under Title I or II of the Economic Opportunity Act of 1964 or under any program assisted under such title, (*a*) the first $85 plus one-half of the excess over $85 will be disregarded and (*b*) any excess over such amount will be taken into consideration in determining the need of any other individual for assistance only to the extent they are made available to or for such other individual (effective July 1, 1969, not applicable; for this purpose payments under Title I or II of the Economic Opportunity Act are described in CA Memo 23-A, dated August 26, 1966, issued by the Office of Economic Opportunity); and (ii) training incentive payments and expense allowances made to an individual or to any other person under the Manpower Development and Training Act of 1962, as amended, will be disregarded.

(6) *Disregard of earned income; definition.* Provide that for purposes of disregarding earned income the agency policies will include: (i) A definition of "earned income" in accordance with the provisions of subdivisions (iii) through (viii) of this subgraph; and

(ii) Provision for disregarding earned income for the period during which it is earned, rather than when it is paid, in cases of lump-sum payment for services rendered over a period of more than one month.

(iii) The term "earned income" encompasses income in cash or in kind earned by a needy individual through the receipt of wages, salary, commissions, or profit from activities in which he is engaged as a self-employed individual or as an employee. Such earned income may be derived from his own employment, such as a business enterprise, or farming; or derived from

wages or salary received as an employee. It includes earnings over a period of time for which settlement is made at one given time, as in the instance of sale of farm crops, livestock, or poultry. In considering income from farm operation, the option available for reporting under OASDI, namely the "cash receipts and disbursements" method, i.e., a record of actual gross, of expenses, and of net, is an individual determination and is acceptable also for public assistance.

(iv) With reference to commissions, wages, or salary, the term "earned income" means the total amount, irrespective of personal expenses, such as income-tax deductions, lunches, and transportation to and from work, and irrespective of expenses of employment which are not personal, such as the cost of tools, materials, special uniforms, or transportation to call on customers.

(v) With respect to self-employment, the term "earned income" means the total profit from business enterprise, farming, etc., resulting from a comparison of the gross income received with the "business expenses," i.e., total cost of the production of the income. Personal expenses, such as income-tax payments, lunches, and transportation to and from work, are not classified as business expenses.

(vi) The definition shall exclude the following from "earned income": Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business (for example, under most circumstances, dividends and interest would be excluded from "earned income"); benefits (not in the nature of wages, salary, or profit) accruing as compensation, or reward for service, or as compensation for lack of employment, (for example, pensions and benefits, such as United Mine

Workers' benefits or veterans' benefits).

(vii) With regard to the degree of activity, earned income is income produced as a result of the performance of services by a recipient; in other words, income which the individual earns by his own efforts, including managerial responsibilities, would be properly classified as earned income, such as management of capital investment in real estate. Conversely, for example, in the instance of capital investment wherein the individual carries no specific responsibility, such as where rental properties are in the hands of rental agencies and the check is forwarded to the recipient, the income would not be classified as earned income.

(viii) Reserves accumulated from earnings are given no different treatment than reserves accumulated from any other sources.

(7) *Disregard of earned income; method.* (i) Provide that the following method will be used for disregarding earned income: The applicable amounts of earned income to be disregarded will be deducted from the gross amount of "earned income," and all work expenses, personal and non-personal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment.

(ii) In applying the disregard of income under subparagraph (11)(ii)(*b*) of this paragraph to an applicant for AFDC, there will be a preliminary step to determine whether there is eligibility without the application of any AFDC provisions for the disregard or setting aside of income. If such eligibility exists, the next step is to determine need and the amount of assistance by disregarding income and deducting work expenses in ac-

cordance with the method described in subdivision (i) of this subparagraph.

(8) *Disregard of earned income applicable only to OAA, APTD, or AABD.* If the State chooses to disregard earned income, specify the amount to be disregarded of the first $80 per month of income that is earned by an aged or disabled individual claiming OAA, APTD, or AABD, who is not blind, but not more than $20 per month plus one-half of the next $60 of such earned income.

(9) *Disregard of income and resources applicable only to APTD and/orAABD.* If the State chooses to disregard income (which may be additional to the income disregarded under subparagraph (8) of this paragraph) or resources for a disabled individual to achieve the fulfillment of a plan of self-support, provide that the amounts of additional income and resources will not exceed those found necessary for the period during which the individual is actually undergoing vocational rehabilitation, and specify the period, not in excess of 36 months, for which such amounts are to be disregarded.

(10) *Disregard of income and resources applicable only to AB or AABD.* Provide that, in determining the need of individuals who are blind, (i) the first $85 per month of earned income of the individual plus one-half of earned income in excess of $85 per month will be disregarded; and (ii) if the individual has a plan for achieving self-support, such additional income and resources as are necessary to fulfill such plan will be disregarded for a period not in excess of 12 months. Such additional income and resources may be disregarded for an additional period not in excess of 24 months (for a total of 36 months), as specified in the State plan.

(11) *Disregard of income applicable only to AFDC.*

(i) Effective until the State plan includes the provision in subdivision (ii) (*b*) of this subparagraph, not later than July 1, 1969, if the State chooses to disregard earned income of dependent children under age 18, specify the amount that is to be disregarded, but not more than $50 per month of income which is earned by any such child and not more than a total of $150 per month of earned income of all such dependent children living together in the same home.

(ii) Effective July 1, 1969, provide for the disregard of earned income as shown in subdivisions (*a*) and (*b*) of this paragraph (a)(11)(ii). Prior to July 1, 1969, States may elect to disregard earned income in accordance with the provisions as stated in such subdivision (*a*) or (*b*), or both, or neither: (*a*) all of the earned income of any child receiving AFDC if the child is a full-time student or is a part-time student who is not a full-time employee. A student is one who is attending a school, college or university or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the Job Corps program under the Economic Opportunity Act of 1964. A full-time student must have a school schedule that is equal to a full-time curriculum. A part-time student must have a school schedule that is equal to at least one-half of a full-time curriculum; (*b*) the first $30 of the total of earned income for a month of all other individuals whose needs are included in the family grant, plus one-third of the remainder of their earned income for the month; except that (*1*) the State agency will not disregard earned income for a month of any one of the persons in a family as provided in subdivision (*b*) of this paragraph (a) (11) (ii) if such a person (*i*) terminated his employment or reduced his earned income without good cause within the

period of 30 days preceding such month; or (*ii*) refused without good cause within the period of 30 days preceding such month to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the state or local agency administering the State plan, after notification by him, to be a bona fide offer of employment; and (*2*) the State agency will not disregard earned income for a month of the persons in a family as provided in subdivision (*b*) of this paragraph (a)(11)(ii) if the total income of such persons for such month exceeds their need as determined without application of any provision for disregarding or setting aside of income unless for any one of the four preceding months their needs were met in whole or in part by an AFDC payment.

(iii) If any portion of an AFDC family's income is to be conserved for the future identifiable needs of a child, specify the needs and amount and type of income to be conserved and provide that such amount will be reasonable for the purpose for which it is being conserved.

(iv) Earned income for purposes of this subparagraph (11) includes training incentive payments and work allowances under the the MDTA, payments under the Economic Oportunity Act of 1964, including payments to beneficiaries of assistance under that act, or earnings under title I of the Elementary and Secondary Education Act, but—does not include incentive payments or earnings derived from participation in Institutional and Work Experience Training or Special Work Projects under the Work Incentive Programs established under part C of title IV of the Social Security Act.

(b) *Federal financial participation; General.* (1)

Federal participation will be available in financial assistance payments made on the basis that (after application of policies governing the allowable reserve, disregard or setting aside of income and resources), all income of the needy individual, together with the assistance payment, do not exceed the State's defined standard of assistance, and available resources of the needy individuals do not exceed the limits under the State plan.

(2) Federal participation is available within the maximums specified in the Federal law, when the payments do not exceed the amount determined to be needed under the State-wide standard, and are made in accordance with the State method for determining the amount of the payment.

(3) Federal participation is available in financial assistance payments made on the basis of the need of the individual. This basis may include consideration of needy persons living in the same home with the recipient when such other persons are within the State's policy as essential to his well-being. Persons living in the home who are "essential to the well-being of the recipient," as specified in the State plan, will govern as the basis for Federal participation (see Guides and Recommendations). When the State includes persons living outside the home or persons not in need, Federal participation is not available for that portion of financial assistance payments attributable to such person, and the State's claims must, therefore, identify the amounts of any such nonmatchable payments.

(4) The amount of the payments by the agency to the recipient representing support payments received by the agency is not subject to Federal financial participation. The normal procedure followed under these cir-

cumstances is to pay the gross needs amount and claim this amount for Federal financial participation and then handle the support payment as a refund and adjust the Federal share on this basis.

(c) *Federal financial participation in vendor payments for home repairs.* With respect to expenditures made after December 31, 1967, expenditures to a maximum of $500 are subject to Federal financial participation at 50 percent for repairing the home owned by an individual who is receiving aid or assistance (other than Medical Assistance for the Aged) under a State plan for OAA, AFDC, AB, APTD, or AABD if:

(1) Prior to making the expenditures the agency determined that: (i) the home is so defective that continued occupancy is unwarranted; (ii) unless repairs are made the recipient would need to move to rental quarters; and (iii) the rental cost of quarters for the recipient (including the spouse living with him in such home and any other individual whose needs were considered in determining the recipient's need) would exceed (over a period of two years) the repair costs needed to make such home habitable together with other costs attributable to continued occupancy of such home.

(2) No expenditures for repair of such home were made previously pursuant to a determination as described in subparagraph (1) of this paragraph. This does not preclude more than one payment made at the time repairs are made pursuant to the determination, e.g., separate payments to the roofer, the electrician, and the plumber.

(3) Expenditures for home repairs are authorized in

writing by a responsible agency person, records show the eligible person in whose behalf the home repair expenditure was made, and there is sufficient evidence that the home repair was performed. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective Date: The regulation in this action shall be effective on the date of their publication in the *Federal Register*.

Dated: January 15, 1969.

/s/ JOSEPH H. MEYERS,
Acting Administrator, Social and Rehabilitation Service

Approved: January 18, 1969

/s/ WILBUR J. COHEN,
Secretary

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. C-2449

ASCENSION VIALPANDO, et al.,

Plaintiffs

vs.

CON F. SHEA, et al.,

Defendants

ANSWER

[Filed December 31, 1970]

COMES NOW defendant, Melvin E. Pobanz individually and as Director of the El Paso County Department of Public Welfare, in the within entitled matter by Ernest O. Tullis, attorney for said defendant, and respectfully states to the Court that the issues in the within entitled matter between the Plaintiffs and this Defendant are the same as those framed between the Plaintiffs and the other Defendants in this matter and that therefore it is unnecessary to separately answer each individual allegations as it is made in the complaint and that therefore the said Melvin E. Pobanz as aforesaid does enter his appearance herein and incorporates herein the answer of CON F. SHEA herein filed as it is the same here set forth in full in this answer.

ERNEST O. TULLIS,
Attorney for the Defendant
Melvin E. Pobanz as aforesaid
Exchange National Bank Bldg.
Colorado Springs, Colorado
473-4777

MEMORANDUM

TO:

Douglas D. Doane, Director
Legal Division
John H. Jones, Director
Program Planning

FROM:

Ray M. Freeman, Director
Research and Statistics

DATE:

October 6, 1971

SUBJECT:

Analysis of Earnings Expense Allowances

This is in response to our meeting on October 6, 1971 concerning data on average allowances for earnings expenses in the AFDC: Aid to Families with Dependent Children Program.

This analysis includes composite data for our three sub-programs of ADC: Aid to Dependent Children; ADC-U: Aid to Dependent Children-Unemployed Parent: and WIN: Work Incentive Program; which together comprise Colorado's AFDC: Aid to the Families with Dependent Children Program.

The earnings expenses allowances include the following items, which are so identified in the State's RS 700 reporting system: (1) General; (2) Transportation; (3) Union Dues; (4) Uniforms, Tools; (5) Telephone. It excludes costs incurred for Child Care.

The data is taken from a 100 percent sampling of the State's AFDC caseload for the last month of each calendar quarter from March 1969 through March 1970. The data for the analysis is selected from RS 700 data

bank. The RS 700 reporting form is prepared by county staff on every case whenever an action or an updating action is performed. The county submits the RS 700 form to the State's computer system which introduces the data into the data bank on a daily basis. The cited data for this analysis is taken from computer tabulations which are provided as of the last working day of the month. As stated before, this comprises 100 percent of the caseload.

The analysis indicates:

Selected Month[1]	Total Cases	Total Expenditures	Average per Case
March 1969	822	$26,664	$32.44
June 1969	1,429	43,660	30.55
September 1969	1,611	53,790	33.39
December 1969	1,943	70,147	36.10
March 1970	2,047	75,604	36 93
April 1970	2,195	81,089	36.94
May 1970	2,230	81,688	36.63

[1] All data is as of last working day of month except the May 1970 data is as of the 22nd.

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC

MONTH OF MARCH 1969

PROGRAM ESETR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
NOTA	01	19	2,934.57	154.55
ELEM/SEC EDUCATION	02	10	1,523.05	152.30
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	654	100,511.01	153.68
OTHER EMPLOYMENT	05	110	18,005.07	163.68
TOTAL EARNINGS	E1	799	125,926.39	157.60
ALLOWABLE EARN EXPENSE				
GENERAL	10	817	13,015.84	15.93
TRANSPORTATION	11	607	13,196.74	21.74
CHILD CARE	12	221	11,632.94	52.63
UNION DUES	13	32	763.84	23.87
UNIFORM TOOLS	14	82	856.98	10.45
TELEPHONE	15	40	892.64	22.31
TOTAL ALLOW EXPENSE	E2	787	37,781.82	47.67
EARNING MINUS EXPENSE	E3	774	88,691.78	114.57
$30.00 AND 1/3	E4	744	44,774.60	60.11
NET EARNINGS	E5	698	47,592.98	68.18
MISCELLANEOUS INCOME				
OASDI	51	535	45,070.95	84.24
RR BENEFIT	52	9	681.48	75.72
VETERAN BENEFITS	53	129	9,388.63	72.78
UNEMPLOY. COMP.	54	5	838.48	167.69
WORKMANS COMP.	55	25	3,468.62	138.74
SHELTER UTILITY P330	56	469	19,160.29	40.85
CHILD SUPP-CT ORDER	57	126	8,614.12	68.36
CHILD SUPP-VOLUNTARY	58	155	9,802.13	63.23
RETIRE./PENSIONS	59	11	1,456.02	132.36
CASH CONTRIBUTIONS	60	27	1,067.30	39.52
SPOUSE'S INCOME	61	7	255.02	36.43
PROTECTIVE PMTS	62	4	328.00	82.00
OTHER	63	220	11,281.56	51.27
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	F6	1552	107,408.90	69.20
NET EARN + MISC INC	E7	2173	154,833.01	71.25

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	9816	980,368.60	99.87
SHELTER	21	9388	466,941.75	49.73
UTILITIES	22	7621	100,626.83	13.20
PRVC. TUITION	23	48	3,448.84	71.85
TRANSPORTATION	24	120	1,948.26	16.23
CHILD CARE	25	408	20,156.82	49.40
TELEPHONE	26	7	105.98	15.14
UNIFORM TOOLS	27	11	216.71	19.70
MEDICAL NEEDS	28	4	95.00	23.75
SPECIAL DIETS	29	3	24.00	8.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	11	816.12	74.19
RESTAURANT MEALS	34	2	26.00	13.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	1	4.59	4.59
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	4	198.00	49.50
OTHER	40	210	7,063.51	33.63
TOTAL REQUIREMENTS	R1	9717	1,586,528.79	160.18
TOTAL NEED LESS INC	R2	9324	1,348,518.10	144.62
MONEY PAYMENT NEAR $	P1	13944	1,988,959.06	142.63

TOTAL CASES WITH ZERO PAY 113

ADULTS 11931

CHILDREN 39074

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC-U

MONTH OF MARCH 1969

PROGRAM ESETR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MDTA	01	1	130.00	130.00
FLEW/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	17	2,053.23	120.77
OTHER EMPLOYMENT	05	4	418.41	104.60
TOTAL EARNINGS	E1	20	2,441.64	122.08
ALLOWABLE EARN EXPENSE				
GENERAL	10	15	220.00	14.66
TRANSPORTATION	11	12	235.27	19.60
CHILD CARE	12	2	120.00	60.00
UNION DUES	13	1	25.00	25.00
UNIFORM TOOLS	14	0	.00	.00
TELEPHONE	15	0	.00	.00
TOTAL ALLOW EXPENSE	E2	18	526.67	29.25
EARNING MINUS EXPENSE	E3	18	1,790.07	99.44
$30.00 AND 1/3	E4	17	968.45	56.96
NET EARNINGS	E5	17	941.89	55.40
MISCELLANEOUS INCOME				
OASDI	51	8	1,017.60	127.20
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	3	196.00	65.33
UNEMPLOY. COMP.	54	1	27.00	27.00
WORKMANS COMP.	55	1	25.00	25.00
SHELTER UTILITY FOOD	56	6	307.00	51.16
CHILD SUPP-CT ORDER	57	0	.00	.00
CHILD SUPP-VOLUNTARY	58	0	.00	.00
RETIRE./PENSIONS	59	1	23.00	23.00
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	2	56.67	28.33
PROTECTIVE PMTS	62	0	.00	.00
OTHER	63	16	1,485.50	92.84
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	34	3,076.27	90.47
NET EARN + MISC INC	E7	46	3,262.49	70.92

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	347	51,526.00	148.48
SHELTER	21	326	16,185.97	49.65
UTILITIES	22	283	5,075.16	17.93
EDUC. TUITION	23	2	50.00	25.00
TRANSPORTATION	24	48	797.78	16.62
CHILD CARE	25	7	413.48	59.06
TELEPHONE	26	0	.00	.00
UNIFORM TOOLS	27	3	75.00	25.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	0	.00	.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	0	.00	.00
OTHER	40	111	3,071.70	27.67
TOTAL REQUIREMENTS	R1	344	75,498.85	219.47
TOTAL NEED LESS INC	R2	321	68,895.03	214.62
MONEY PAYMENT NEAR $	P1	526	112,754.50	214.36

TOTAL CASES WITH ZERO PAY 12

ADULTS 939

CHILDREN 1920

41B

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY WIN

MONTH OF MARCH 1969

PROGRAM ESETR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
NONE	01	0	.00	.00
ELEM/SEC EDUCATION	02	1	175.48	175.48
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	10	2,329.62	232.96
OTHER EMPLOYMENT	05	11	2,049.57	185.41
TOTAL EARNINGS	E1	22	4,441.18	201.87
ALLOWABLE FARN EXPENSE				
GENERAL	10	21	508.21	24.20
TRANSPORTATION	11	18	257.76	14.32
CHILD CARE	12	6	299.00	49.83
UNION DUES	13	1	26.66	26.66
UNIFORM TOOLS	14	0	.00	.00
TELEPHONE	15	0	.00	.00
TOTAL ALLOW EXPENSE	E2	22	900.96	40.95
EARNING MINUS EXPENSE	E3	22	3,540.22	160.91
$30.00 AND 1/3	E4	21	1,743.95	83.04
NET EARNINGS	E5	22	1,796.07	81.63
MISCELLANEOUS INCOME				
OASDI	51	2	260.10	130.05
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	3	88.43	29.47
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	1	52.00	52.00
SHELTER UTILITY FOOD	56	3	170.00	56.66
CHILD SUPP-CT. ORDER	57	1	43.33	43.33
CHILD SUPP-VOLUNTARY	58	3	232.33	77.44
RETIRE./PENSIONS	59	0	.00	.00
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	0	.00	.00
PROTECTIVE PMTS	62	1	31.50	31.50
OTHER	63	74	3,641.05	49.20
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	81	4,291.21	52.97
NET EARN + MISC INC	E7	93	5,731.06	61.62

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	270	32,582.00	120.67
SHELTER	21	267	15,061.11	56.40
UTILITIES	22	176	2,580.00	14.65
EDUC. TUITION	23	2	25.00	12.50
TRANSPORTATION	24	217	3,221.69	14.84
CHILD CARE	25	99	4,871.84	49.21
TELEPHONE	26	1	5.94	5.94
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	0	.00	.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	0	.00	.00
OTHER	40	1	15.00	15.00
TOTAL REQUIREMENTS	R1	265	56,579.28	213.50
TOTAL NEED LESS INC	R2	255	49,784.34	195.23
MONEY PAYMENT NEAR $	P1	402	79,997.00	198.99

TOTAL CASES WITH ZERO PAY		5
ADULTS		610
CHILDREN		1283

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL — PROGRAM ESETA1

CATEGORY AOC — MONTH OF JUNE 1969 — RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
NOTA	01	33	4,907.84	148.72
ELEM/SEC EDUCATION	02	16	1,954.94	122.18
WIN PROGRAM	03	1	143.10	143.10
PRIVATE EMPLOYMENT	04	1084	170,999.18	157.74
OTHER EMPLOYMENT	05	225	36,092.97	160.41
TOTAL EARNINGS	E1	1365	217,185.37	159.11
ALLOWABLE EARN EXPENSE				
GENERAL	10	1405	22,625.10	16.10
TRANSPORTATION	11	1037	21,841.52	21.10
CHILD CARE	12	218	10,319.79	47.33
UNION DUES	13	51	944.43	18.51
UNIFORM TOOLS	14	163	2,016.64	12.37
TELEPHONE	15	78	1,409.90	18.07
TOTAL ALLOW EXPENSE	E2	1355	52,360.31	38.64
EARNING MINUS EXPENSE	E3	1352	164,663.96	121.64
$30.00 AND 1/3	E4	1295	84,269.99	65.07
NET EARNINGS	E5	1175	85,483.86	72.75
MISCELLANEOUS INCOME				
OASDI	51	745	59,606.63	80.00
RR BENEFIT	52	11	862.48	78.40
VETERAN BENEFITS	53	173	17,603.60	72.85
UNEMPLOY. COMP.	54	3	375.20	125.06
WORKMANS COMP.	55	42	5,862.75	139.58
SHELTER UTILITY FOOD	56	638	25,522.60	40.00
CHILD SUPP-CT ORDER	57	184	13,214.70	71.81
CHILD SUPP-VOLUNTARY	58	239	14,331.46	59.96
RETIRE./PENSIONS	59	18	2,038.09	113.22
CASH CONTRIBUTIONS	60	44	2,095.25	47.61
SPOUSE'S INCOME	61	15	919.39	61.29
PROTECTIVE PMTS	62	8	565.98	70.74
OTHER	63	336	13,770.72	40.98
V.A.AID AND ATTENDANCE	64	2	124.97	62.48
TOTAL MISC. INCOME	E6	2194	144,968.07	66.07
NET EARN + MISC INC	E7	3243	231,421.12	71.36

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	12733	1,278,014.59	100.37
SHELTER	21	12215	600,435.77	49.15
UTILITIES	22	10168	133,837.83	13.16
EDUC. TUITION	23	52	2,215.73	42.61
TRANSPORTATION	24	129	2,271.46	17.60
CHILD CARE	25	896	48,145.48	53.73
TELEPHONE	26	8	80.68	10.08
UNIFORM TOOLS	27	11	260.18	23.65
MEDICAL NEEDS	28	3	87.00	29.00
SPECIAL DIETS	29	3	24.00	8.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	8	546.67	68.33
RESTAURANT MEALS	34	1	18.00	18.00
HOME CARE	35	1	108.33	108.33
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	3	15.59	5.19
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	4	204.23	51.05
OTHER	40	514	17,571.76	34.18
TOTAL REQUIREMENTS	R1	12644	2,045,491.10	161.77
TOTAL NEED LESS INC	R2	12162	1,758,043.64	144.55
MONEY PAYMENT NEAR $	P1	14105	2,000,450.30	141.82

TOTAL CASES WITH ZERO PAY	191
ADULTS	12127
CHILDREN	39305

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC-U

MONTH OF JUNE 1969

PROGRAM ESFTR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MOTA	01	0	.00	.00
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	18	1,713.05	95.14
OTHER EMPLOYMENT	05	2	127.68	63.84
TOTAL EARNINGS	E1	19	1,808.73	95.19
ALLOWABLE EARN EXPENSE				
GENERAL	10	18	270.00	15.00
TRANSPORTATION	11	8	183.01	22.87
CHILD CARE	12	1	22.00	22.00
UNION DUES	13	0	.00	.00
UNIFORM TOOLS	14	0	.00	.00
TELEPHONE	15	0	.00	.00
TOTAL ALLOW EXPENSE	E2	18	460.01	25.55
EARNING MINUS EXPENSE	E3	19	1,381.43	72.70
$30.00 AND 1/3	E4	18	749.76	41.65
NET EARNINGS	E5	13	684.92	52.68
MISCELLANEOUS INCOME				
OASDI	51	10	927.20	92.72
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	4	239.40	59.87
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	1	172.32	172.32
SHELTER UTILITY P000	56	8	340.58	42.57
CHILD SUPP-CT ORDER	57	0	.00	.00
CHILD SUPP-VOLUNTARY	58	0	.00	.00
RETIRE./PENSIONS	59	1	115.00	115.00
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	1	3.34	3.34
PROTECTIVE PMTS	62	0	.00	.00
OTHER	63	15	909.41	60.56
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	38	2,692.51	70.85
NET EARN + MISC INC	E7	49	3,142.43	64.13

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	276	41,502.00	150.36
SHELTER	21	271	13,754.27	50.75
UTILITIES	22	223	4,090.00	18.34
EDUC. TUITION	23	2	50.00	25.00
TRANSPORTATION	24	44	647.99	14.72
CHILD CARE	25	6	427.00	71.16
TELEPHONE	26	0	.00	.00
UNIFORM TOOLS	27	2	50.00	25.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	0	.00	.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	0	.00	.00
OTHER	40	70	2,086.22	29.80
TOTAL REQUIREMENTS	R1	273	61,241.64	224.32
TOTAL NEED LESS INC	R2	266	56,917.55	213.97
MONEY PAYMENT NEAR $	P1	335	71,191.50	212.51

TOTAL CASES WITH ZERO PAY	23
ADULTS	604
CHILDREN	1323

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL — PROGRAM FSPTR1

CATEGORY 4IN — MONTH OF JUNE 1969 — RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MOTA	01	10	1,491.00	145.10
ELEM/SEC EDUCATION	02	2	235.25	117.62
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	26	5,037.42	193.76
OTHER EMPLOYMENT	05	14	1,913.19	136.65
TOTAL EARNINGS	E1	54	8,783.01	162.64
ALLOWABLE EARN EXPENSE				
GENERAL	10	58	983.99	16.96
TRANSPORTATION	11	48	641.72	13.36
CHILD CARE	12	10	414.00	41.40
UNION DUES	13	4	98.66	24.66
UNIFORM TOOLS	14	4	30.00	7.50
TELEPHONE	15	4	37.00	9.30
TOTAL ALLOW EXPENSE	E2	56	1,823.94	32.57
EARNING MINUS EXPENSE	E3	56	7,269.04	129.80
$30.00 AND 1/3	E4	54	3,714.94	68.79
NET EARNINGS	E5	54	3,861.58	71.51
MISCELLANEOUS INCOME				
OASDI	51	5	654.50	130.90
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	5	222.43	44.48
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	12	566.26	47.18
CHILD SUPP-CT ORDER	57	1	50.00	50.00
CHILD SUPP-VOLUNTARY	58	6	296.33	49.39
RETIRE./PENSIONS	59	2	153.60	76.80
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	0	.00	.00
PROTECTIVE PAYS	62	1	161.00	161.00
OTHER	63	68	3,074.17	45.20
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	88	4,680.60	53.18
NET EARN + MISC INC	E7	135	4,173.08	62.54

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	556	68,034.00	122.36
SHELTER	21	552	31,676.14	57.38
UTILITIES	22	403	5,950.00	14.76
EDUC. TUITION	23	4	50.00	12.50
TRANSPORTATION	24	472	6,833.75	14.47
CHILD CARE	25	236	12,605.88	53.41
TELEPHONE	26	2	46.25	23.12
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS.	28	0	.00	.00
SPECIAL DIETS	29	0	.00	.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.M. PERSONAL	39	1	162.00	162.00
OTHER	40	3	45.00	15.00
TOTAL REQUIREMENTS	R1	538	118,967.31	221.12
TOTAL NEED LESS INC	R2	527	110,259.26	209.22
MONEY PAYMENT NEAR $	P1	608	119,731.00	195.28

TOTAL CASES WITH ZERO PAY	31	
ADULTS	905	
CHILDREN	1994	

41F

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC

MONTH OF SEPT. 1969

PROGRAM ESETR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MDTA	01	30	4,266.53	142.21
ELEM/SEC EDUCATION	02	11	1,166.13	89.70
WIN PROGRAM	03	2	284.56	142.28
PRIVATE EMPLOYMENT	04	1296	227,665.43	177.03
OTHER EMPLOYMENT	05	269	45,551.70	169.26
TOTAL EARNINGS	F1	1571	266,591.21	169.68
ALLOWABLE EARN EXPENSE				
GENERAL	10	1567	25,486.69	16.61
TRANSPORTATION	11	1206	25,855.98	21.47
CHILD CARE	12	277	9,520.16	34.36
UNION DUES	13	63	1,077.09	17.09
UNIFORM TOOLS	14	200	2,159.71	10.79
TELEPHONE	15	89	1,280.76	14.39
TOTAL ALLOW EXPENSE	F2	1529	60,946.70	39.86
EARNING MINUS EXPENSE	E3	1493	198,942.50	133.25
$30.00 AND 1/3	F4	1467	119,484.85	81.48
NET EARNINGS	E5	1269	89,872.88	70.82
MISCELLANEOUS INCOME				
OASDI	51	876	71,722.56	81.87
RR BENEFIT	52	14	1,266.28	90.44
VETERAN BENEFITS	53	195	14,081.64	72.21
UNEMPLOY. COMP.	54	9	1,095.88	121.98
WORKMANS COMP.	55	45	6,996.06	155.42
SHELTER UTILITY FOOD	56	766	30,801.27	41.28
CHILD SUPP-CT ORDER	57	207	15,675.06	75.72
CHILD SUPP-VOLUNTARY	58	276	17,567.96	63.65
RETIRE./PENSIONS	59	16	1,613.44	115.24
CASH CONTRIBUTIONS	60	36	1,679.89	46.66
SPOUSE'S INCOME	61	15	1,059.56	70.63
PROTECTIVE PMTS	62	5	402.98	80.59
OTHER	63	359	15,135.78	42.16
V.A.AID AND ATTENDANCE	64	2	85.00	42.50
TOTAL MISC. INCOME	E6	2534	170,966.56	67.46
NET EARN + MISC INC	E7	3697	261,097.62	71.16

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	15188	1,496,322.77	98.38
SHELTER	21	14195	697,108.19	49.10
UTILITIES	22	11618	152,429.80	13.12
EDUC. TUITION	23	59	2,647.91	44.87
TRANSPORTATION	24	119	2,039.48	17.13
CHILD CARE	25	1049	61,410.84	58.54
TELEPHONE	26	8	44.06	5.50
UNIFORM TOOLS	27	7	124.00	17.71
MEDICAL NEEDS	28	7	147.41	21.05
SPECIAL DIETS	29	185	760.00	4.10
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	5	371.00	74.20
RESTAURANT MEALS	34	1	18.00	18.00
MINF CARE	35	1	108.33	108.33
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	6	91.59	15.26
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	6	112.23	18.70
OTHER	40	586	16,998.78	29.00
TOTAL REQUIREMENTS	R1	15188	2,400,426.79	158.04
TOTAL NEED LESS INC	R2	14904	2,111,662.71	141.68
MONEY PAYMENT NEAR $	P1	15480	2,207,050.15	142.57
TOTAL CASES WITH ZERO PAY		96		
ADULTS		13233		
CHILDREN		42073		

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

PROGRAM ESETR1

CATEGORY AOC-U

MONTH OF SEPT. 1969

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MDTA	01	0	.00	.00
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	10	1,605.28	160.52
OTHER EMPLOYMENT	05	3	290.68	96.89
TOTAL EARNINGS	E1	13	1,963.01	141.77
ALLOWABLE EARN EXPENSE				
GENERAL	10	10	150.00	15.00
TRANSPORTATION	11	8	168.32	21.04
CHILD CARE	12	3	41.19	13.71
UNION DUES	13	0	.00	.00
UNIFORM TOOLS	14	2	7.50	3.75
TELEPHONE	15	0	.00	.00
TOTAL ALLOW EXPENSE	E2	12	351.97	29.33
EARNING MINUS EXPENSE	E3	13	1,519.06	116.85
$30.00 AND 1/3	E4	13	942.32	72.48
NET EARNINGS	E5	10	648.54	64.85
MISCELLANEOUS INCOME				
OASDI	51	9	764.30	84.92
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	5	337.68	67.13
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	5	256.58	51.31
CHILD SUPP-CT ORDER	57	0	.00	.00
CHILD SUPP-VOLUNTARY	58	0	.00	.00
RETIRE./PENSIONS	59	0	.00	.00
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	0	.00	.00
PROTECTIVE PMTS	62	0	.00	.00
OTHER	63	12	715.24	59.60
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	30	1,986.80	66.22
NET EARN + MISC INC	E7	40	2,540.53	63.51

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	292	40,756.00	139.57
SHELTER	21	271	14,070.55	51.92
UTILITIES	22	216	3,920.00	18.14
FOOD, TUITION	23	5	122.00	24.40
TRANSPORTATION	24	33	481.00	14.57
CHILD CARE	25	4	306.64	76.66
TELEPHONE	26	0	.00	.00
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	1	4.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.M. PERSONAL	39	0	.00	.00
OTHER	40	57	1,441.00	25.28
TOTAL REQUIREMENTS	R1	291	60,561.69	208.11
TOTAL NEED LESS INC	R2	287	57,608.17	200.72
MONEY PAYMENT NEAR $	P1	314	66,171.00	209.40

TOTAL CASES WITH ZERO PAY 18

ADULTS 577

CHILDREN 1136

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY WIN

MONTH OF SEPT. 1969

PROGRAM ESETR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
NOTA	01	10	1,657.00	165.70
FLEN/SEC EDICATION	02	0	.00	.00
WIN PROGRAM	03	1	341.40	341.40
PRIVATE EMPLOYMENT	04	43	8,687.27	202.02
OTHER EMPLOYMENT	05	18	3,003.29	166.84
TOTAL EARNINGS	F1	70	12,927.68	184.68
ALLOWABLE EARN EXPENSE				
GENERAL	10	72	1,193.98	16.58
TRANSPORTATION	11	57	819.28	14.37
CHILD CARE	12	7	302.38	43.19
UNION DUES	13	2	38.66	19.33
UNIFORM TOOLS	14	9	103.50	11.50
TELEPHONE	15	3	27.00	9.00
TOTAL ALLOW EXPENSE	F2	70	2,355.30	33.64
EARNING MINUS EXPENSE	F3	72	10,823.64	150.32
$30.00 AND 1/3	F4	67	5,751.72	85.84
NET EARNINGS	F5	64	5,001.88	78.15
MISCELLANEOUS INCOME				
OASDI	51	5	500.10	100.02
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	5	274.75	54.95
UNEMPLOY. COMP.	54	1	103.70	103.70
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	13	685.60	52.73
CHILD SUPP-CT ORDER	57	1	35.00	35.00
CHILD SUPP-VOLUNTARY	58	4	134.33	34.08
RETIRE./PENSIONS	59	1	130.40	130.40
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	0	.00	.00
PROTECTIVE PMTS	62	0	.00	.00
OTHER	63	25	1,016.91	40.67
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	F6	50	2,624.56	52.49
NET EARN + MISC INC	F7	120	8,274.97	68.54

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	657	82,014.00	124.83
SHELTER	21	629	36,710.75	97.56
UTILITIES	22	448	6,659.00	15.20
EDUC. TUITION	23	5	62.00	12.40
TRANSPORTATION	24	529	7,606.08	14.37
CHILD CARE	25	255	18,568.41	72.81
TELEPHONE	26	3	118.25	39.41
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	0	.00	.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	0	.00	.00
OTHER	40	7	663.03	94.71
TOTAL REQUIREMENTS	P1	556	148,569.04	276.47
TOTAL NEED LESS INC	R2	655	140,633.78	214.70
MONEY PAYMENT NEAR $	P1	657	132,274.00	201.33

TOTAL CASES WITH ZERO PAY 8

ADULTS 926

CHILDREN 2097

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC

MONTH OF DECEMBER 1969

PROGRAM ESETR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
ADTA	01	43	6,537.57	152.03
ELEM/SEC EDUCATION	02	19	2,898.16	152.53
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	1535	277,663.15	180.88
OTHER EMPLOYMENT	05	319	54,481.34	170.78
TOTAL EARNINGS	E1	1868	316,598.28	169.48
ALLOWABLE EARN EXPENSE				
GENERAL	10	1873	31,660.05	16.90
TRANSPORTATION	11	1446	33,569.11	23.21
CHILD CARE	12	379	11,679.86	30.81
UNION DUES	13	92	1,449.38	15.75
UNIFORM TOOLS	14	239	2,309.18	9.66
TELEPHONE	15	81	1,095.70	13.40
TOTAL ALLOW EXPENSE	E2	1846	78,689.04	42.62
EARNING MENUS EXPENSE	E3	1787	234,998.75	131.50
$30.00 AND 1/3	E4	1703	143,852.23	84.46
NET EARNINGS	E5	1485	102,414.31	67.75
MISCELLANEOUS INCOME				
OASDI	51	975	81,389.34	83.47
RR BENEFIT	52	12	993.19	82.76
VETERAN BENEFITS	53	195	13,708.32	70.29
UNEMPLOY. COMP.	54	5	584.58	116.91
WORKMANS COMP.	55	35	5,011.21	143.17
SHELTER UTILITY FOOD	56	714	29,761.92	41.68
CHILD SUPP-CT ORDER	57	230	17,371.87	75.52
CHILD SUPP-VOLUNTARY	58	291	18,382.36	63.16
RETIRE./PENSIONS	59	12	1,636.22	136.35
CASH CONTRIBUTIONS	60	39	1,866.32	47.85
SPOUSE'S INCOME	61	17	1,144.84	67.34
PROTECTIVE PMTS	62	4	354.00	88.50
OTHER	63	296	14,630.39	49.42
V.A.AID AND ATTENDANCE	64	4	329.17	82.29
TOTAL MISC. INCOME	E6	2572	180,878.43	70.32
NET EARN + MISC INC	E7	1939	284,161.50	72.14

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	16484	1,618,098.63	98.16
SHELTER	21	15538	765,401.39	49.25
UTILITIES	22	12730	166,135.60	13.05
EDUC. TUITION	23	53	2,659.69	50.18
TRANSPORTATION	24	101	1,645.82	16.29
CHILD CARE	25	1308	76,131.35	58.20
TELEPHONE	26	12	143.82	11.98
UNIFORM TOOLS	27	5	69.00	13.80
MEDICAL NEEDS	28	11	181.05	16.45
SPECIAL GIFTS	29	450	1,917.62	4.26
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	11	667.02	60.63
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	2	208.33	104.16
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	5	26.59	5.31
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	7	56.11	8.01
OTHER	40	551	12,774.20	23.19
TOTAL REQUIREMENTS	R1	16489	2,627,080.48	159.32
TOTAL NEED LESS INC	R2	16211	2,314,448.21	142.77
MONEY PAYMENT NEAR $	P1	16702	2,365,815.49	141.64

TOTAL CASES WITH ZERO PAY	104	
ADULTS	14500	
CHILDREN	44663	

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC-U

MONTH OF DECEMBER 1969

PROGRAM ESETR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MOTA	01	1	364.00	364.00
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	11	1,523.94	138.54
OTHER EMPLOYMENT	05	5	650.12	130.02
TOTAL EARNINGS	E1	18	2,936.30	129.79
ALLOWABLE EARN EXPENSE				
GENERAL	10	16	240.00	15.00
TRANSPORTATION	11	13	179.98	13.84
CHILD CARE	12	3	16.29	5.43
UNION DUES	13	0	.00	.00
UNIFORM TOOLS	14	3	13.50	4.50
TELEPHONE	15	0	.00	.00
TOTAL ALLOW EXPENSE	E2	17	434.77	25.57
EARNING MINUS EXPENSE	E3	17	1,894.03	111.41
$30.00 AND 1/3	E4	15	1,046.00	69.73
NET EARNINGS	E5	12	792.09	66.00
MISCELLANEOUS INCOME				
OASDI	51	10	982.90	89.29
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	5	310.68	62.13
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	10	466.58	46.65
CHILD SUPP-CT ORDER	57	0	.00	.00
CHILD SUPP-VOLUNTARY	58	0	.00	.00
RETIRE./PENSIONS	59	0	.00	.00
CASH CONTRIBUTIONS	60	1	35.00	35.00
SPOUSE'S INCOME	61	1	91.00	91.00
PROTECTIVE PMTS	62	0	.00	.00
OTHER	63	5	543.07	108.61
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	33	2,395.17	72.58
NET EARN + MISC INC	E7	46	3,363.66	73.12

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	424	59,938.00	141.36
SHELTER	21	391	20,264.94	51.82
UTILITIES	22	308	5,455.00	17.71
EDUC. TUITION	23	5	122.00	24.40
TRANSPORTATION	24	23	350.50	15.24
CHILD CARE	25	1	86.00	86.00
TELEPHONE	26	1	3.40	3.40
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	12	48.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	1	4.00	4.00
OTHER	40	28	457.00	16.32
TOTAL REQUIREMENTS	R1	423	86,123.52	203.60
TOTAL NEED LESS INC	R2	408	79,842.35	195.69
MONEY PAYMENT NEAR $	P1	441	89,634.00	203.25

TOTAL CASES WITH ZERO PAY 13

ADULTS 835

CHILDREN 1506

~~1341~~ 1341

41K

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY WIN

MONTH OF DECEMBER 1969

PROGRAM ESETR1

RUN DATE 7-23-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MDTA	C1	14	2,871.61	205.11
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	59	11,668.23	197.42
OTHER EMPLOYMENT	05	20	3,614.09	180.70
TOTAL EARNINGS	F1	81	15,509.29	191.47
ALLOWABLE EARN EXPENSE				
GENERAL	10	81	1,324.98	16.40
TRANSPORTATION	11	68	1,280.95	18.83
CHILD CARE	12	9	311.40	34.60
UNION DUES	13	4	50.66	12.66
UNIFORM TOOLS	14	10	108.00	10.80
TELEPHONE	15	5	35.76	7.15
TOTAL ALLOW EXPENSE	F2	80	3,029.77	37.87
EARNING MINUS EXPENSE	E3	93	12,806.83	156.29
$30.00 AND 1/3	E4	81	7,438.14	91.82
NET EARNINGS	E5	77	5,442.16	70.67
MISCELLANEOUS INCOME				
OASDI	51	5	274.00	54.80
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	4	183.55	45.88
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	14	749.10	53.47
CHILD SUPP-CT ORDER	57	6	644.60	107.43
CHILD SUPP-VOLUNTARY	58	11	966.33	87.84
RETIRE./PENSIONS	59	1	130.60	130.60
CASH CONTRIBUTIONS	60	1	20.00	20.00
SPOUSE'S INCOME	61	0	.00	.00
PROTECTIVE PMTS	62	3	649.00	216.33
OTHER	63	19	721.49	37.97
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	F6	57	3,965.57	69.57
NET EARN + MISC INC	E7	139	10,262.96	73.83

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	682	83,182.00	121.96
SHELTER	21	667	38,090.79	57.10
UTILITIES	22	486	7,165.00	14.74
FDUC. TUITION	23	8	97.00	12.12
TRANSPORTATION	24	523	7,586.50	14.50
CHILD CARE	25	295	19,764.66	66.99
TELEPHONE	26	2	86.25	43.12
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	4	16.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	0	.00	.00
OTHER	40	13	830.36	63.87
TOTAL REQUIREMENTS	R1	681	153,334.26	225.16
TOTAL NEED LESS INC	R2	678	144,008.53	212.40
MONEY PAYMENT NEAR $	P1	681	131,572.00	193.20

TOTAL CASES WITH ZERO PAY 11

ADULTS 923

CHILDREN 2117

3040

411

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC

MONTH OF MARCH 1970

PROGRAM ESETR1

RUN DATE 4-27-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
NOTA	01	46	8,092.10	175.91
ELEM/SEC EDUCATION	02	16	2,458.54	153.65
WIN PROGRAM	03	5	1,143.55	228.71
PRIVATE EMPLOYMENT	04	1552	287,988.42	185.55
OTHER EMPLOYMENT	05	337	57,851.08	171.66
TOTAL EARNINGS	E1	1909	332,640.71	174.24
ALLOWABLE EARN EXPENSE				
GENERAL	10	1900	31,762.38	16.71
TRANSPORTATION	11	1489	36,613.11	24.58
CHILD CARE	12	355	11,461.57	32.28
UNION DUES	13	86	1,209.90	14.06
UNIFORM TOOLS	14	258	2,259.09	8.75
TELEPHONE	15	73	987.81	13.53
TOTAL ALLOW EXPENSE	E2	1875	80,665.66	43.02
EARNING MINUS EXPENSE	E3	1829	248,492.39	135.86
$30.00 AND 1/3	E4	1739	152,422.70	87.64
NET EARNINGS	E5	1504	105,464.09	70.12
MISCELLANEOUS INCOME				
OASDI	51	939	81,077.39	86.34
RR BENEFIT	52	9	757.98	84.22
VETERAN BENEFITS	53	186	12,817.14	68.90
UNEMPLOY. COMP.	54	5	829.75	165.95
WORKMANS COMP.	55	23	3,158.83	137.34
SHELTER UTILITY FOOD	56	637	25,330.72	39.76
CHILD SUPP-CT ORDER	57	219	16,196.48	73.95
CHILD SUPP-VOLUNTARY	58	303	19,162.00	63.24
RETIRE./PENSIONS	59	11	1,460.70	132.79
CASH CONTRIBUTIONS	60	33	1,643.34	49.79
SPOUSE'S INCOME	61	19	1,394.53	73.39
PROTECTIVE PMTS	62	5	434.00	86.80
OTHER	63	262	14,397.34	54.95
V.A.AID AND ATTENDANCE	64	7	432.95	61.85
TOTAL MISC. INCOME	E6	2437	174,353.89	71.54
NET EARN + MISC INC	E7	3829	282,802.52	73.85

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAG PER CASE
STD ALLOW FOOD CL PN	20	16761	1,640,788.47	97.89
SHELTER	21	15870	786,374.26	49.55
UTILITIES	22	12981	168,244.56	12.96
EDUC. TUITION	23	42	2,142.44	51.01
TRANSPORTATION	24	101	1,578.10	15.62
CHILD CARE	25	1329	77,965.29	58.66
TELEPHONE	26	13	180.18	13.86
UNIFORM TOOLS	27	3	54.00	18.00
MEDICAL NEEDS	28	14	187.65	13.40
SPECIAL DIETS	29	629	2,644.62	4.20
GUIDE DOG	30	1	4.00	4.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	6	419.25	69.87
RESTAURANT MEALS	34	1	4.00	4.00
HOME CARE	35	1	108.33	108.33
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	3	15.59	5.19
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	4	32.11	8.02
OTHER	40	274	6,448.67	23.53
TOTAL REQUIREMENTS	R1	16761	2,671,844.02	159.40
TOTAL NEED LESS INC	R2	16593	2,378,791.12	143.36
MONEY PAYMENT NEAR $	P1	16930	2,395,096.00	141.47

TOTAL CASES WITH ZERO PAY	113
ADULTS	14771
CHILDREN	44941

41M

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC-U

PROGRAM ESETR1

MONTH OF MARCH 1970

RUN DATE 4-27-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MOTA	01	5	828.00	165.60
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	21	2,965.28	141.20
OTHER EMPLOYMENT	05	16	1,695.74	105.98
TOTAL EARNINGS	E1	39	5,067.99	129.94
ALLOWABLE EARN EXPENSE				
GENERAL	10	38	589.86	15.52
TRANSPORTATION	11	31	389.38	12.56
CHILD CARE	12	2	61.85	30.92
UNION DUES	13	0	.00	.00
UNIFORM TOOLS	14	4	28.00	7.00
TELEPHONE	15	2	59.19	29.59
TOTAL ALLOW EXPENSE	E2	37	1,083.28	29.27
EARNING MINUS EXPENSE	E3	39	3,939.66	101.01
$30.00 AND 1/3	E4	38	2,515.49	66.19
NET EARNINGS	E5	29	1,473.36	50.80
MISCELLANEOUS INCOME				
OASDI	51	4	208.40	52.10
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	3	111.00	37.00
UNEMPLOY. COMP.	54	1	59.00	59.00
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	16	694.25	43.39
CHILD SUPP-CT ORDER	57	1	30.00	30.00
CHILD SUPP-VOLUNTARY	58	0	.00	.00
RETIRE./PENSIONS	59	0	.00	.00
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	1	250.00	250.00
PROTECTIVE PMTS	62	0	.00	.00
OTHER	63	10	736.34	73.63
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	34	1,995.13	58.68
NET EARN + MISC INC	E7	61	3,486.71	57.15

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	476	63,304.00	132.99
SHELTER	21	465	25,315.39	54.44
UTILITIES	22	367	5,772.00	15.72
EDUC. TUITION	23	0	.00	.00
TRANSPORTATION	24	13	196.00	15.07
CHILD CARE	25	5	318.00	63.60
TELEPHONE	26	0	.00	.00
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS	28	2	8.00	4.00
SPECIAL DIETS	29	32	128.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	1	4.00	4.00
OTHER	40	13	242.00	18.61
TOTAL REQUIREMENTS	R1	475	94,921.39	199.83
TOTAL NEED LESS INC	R2	468	90,252.00	192.84
MONEY PAYMENT NEAR $	P1	490	95,781.00	195.47

TOTAL CASES WITH ZERO PAY	16
ADULTS	955
CHILDREN	1451

41N

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL — PROGRAM ESETR1

CATEGORY WIN — MONTH OF MARCH 1970 — RUN DATE 4-27-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MDTA	01	27	5,644.36	209.05
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	5	267.00	53.40
PRIVATE EMPLOYMENT	04	101	18,306.33	181.25
OTHER EMPLOYMENT	05	32	5,168.83	161.52
TOTAL EARNINGS	E1	142	23,209.10	163.44
ALLOWABLE EARN EXPENSE				
GENERAL	10	140	2,333.59	16.66
TRANSPORTATION	11	111	3,046.51	27.44
CHILD CARE	12	22	486.78	22.12
UNION DUES	13	5	52.18	10.43
UNIFORM TOOLS	14	17	143.91	8.46
TELEPHONE	15	13	121.23	9.32
TOTAL ALLOW EXPENSE	E2	135	5,866.01	43.45
EARNING MINUS EXPENSE	E3	137	17,835.99	130.18
$30.00 AND 1/3	E4	134	11,195.91	83.55
NET EARNINGS	E5	101	6,893.38	68.25
MISCELLANEOUS INCOME				
OASDI	51	32	3,099.00	96.84
RR BENEFIT	52	1	111.10	111.10
VETERAN BENEFITS	53	10	762.80	76.28
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	23	1,049.10	45.61
CHILD SUPP-CT ORDER	57	18	1,816.10	100.89
CHILD SUPP-VOLUNTARY	58	28	2,301.33	82.19
RETIRE./PENSIONS	59	1	207.00	207.00
CASH CONTRIBUTIONS	60	1	20.00	20.00
SPOUSE'S INCOME	61	1	37.00	37.00
PROTECTIVE PMTS	62	1	305.00	305.00
OTHER	63	18	949.66	52.75
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	120	10,048.29	83.73
NET EARN + MISC INC	E7	220	17,558.04	79.80

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	1304	161,578.50	123.72
SHELTER	21	1278	68,315.13	53.45
UTILITIES	22	1026	15,686.32	15.28
EDUC. TUITION	23	6	397.11	66.18
TRANSPORTATION	24	868	13,099.64	15.09
CHILD CARE	25	463	30,387.05	65.63
TELEPHONE	26	4	110.60	27.65
UNIFORM TOOLS	27	3	47.90	15.96
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	21	84.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	1	6.00	6.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	0	.00	.00
OTHER	40	14	342.33	24.45
TOTAL REQUIREMENTS	R1	1306	287,016.78	219.76
TOTAL NEED LESS INC	R2	1304	270,013.94	207.06
MONEY PAYMENT NEAR $	P1	1307	244,975.00	187.43

TOTAL CASES WITH ZERO PAY	8	
ADULTS	1781	
CHILDREN	3927	

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

PROGRAM ESETR1

CATEGORY ADC

MONTH OF APRIL 1970

RUN DATE 4-27-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MOTA	01	49	8,697.15	177.49
ELEM/SEC EDUCATION	02	17	2,403.34	141.37
WIN PROGRAM	03	4	868.93	217.23
PRIVATE EMPLOYMENT	04	1639	305,248.57	186.24
OTHER EMPLOYMENT	05	356	61,428.37	172.55
TOTAL EARNINGS	E1	2026	356,241.21	175.83
ALLOWABLE EARN EXPENSE				
GENERAL	10	2025	33,498.58	16.54
TRANSPORTATION	11	1583	39,583.92	25.00
CHILD CARE	12	355	11,340.97	31.94
UNION DUES	13	94	1,353.15	14.39
UNIFORM TOOLS	14	294	2,407.63	8.18
TELEPHONE	15	73	973.13	13.33
TOTAL ALLOW EXPENSE	E2	2003	85,505.31	42.68
EARNING MINUS EXPENSE	E3	1965	268,385.39	136.58
30.00 AND 1/3	E4	1685	165,765.79	87.93
NET EARNINGS	E5	1612	111,299.39	69.04
MISCELLANEOUS INCOME				
OASDI	51	944	82,716.53	87.62
RR BENEFIT	52	13	1,169.50	89.96
VETERAN BENEFITS	53	185	12,345.66	66.73
UNEMPLOY. COMP.	54	4	728.55	182.13
WORKMANS COMP.	55	21	2,830.58	134.78
SHELTER UTILITY FOOD	56	620	25,165.73	40.58
CHILD SUPP-CT ORDER	57	226	16,302.63	72.13
CHILD SUPP-VOLUNTARY	58	340	21,514.61	63.27
RETIRE./PENSIONS	59	14	1,800.70	128.62
CASH CONTRIBUTIONS	60	36	1,729.34	48.03
SPOUSE'S INCOME	61	17	1,300.77	76.51
PROTECTIVE PMTS	62	5	415.00	83.00
OTHER	63	262	15,003.47	57.26
V.A.AID AND ATTENDANCE	64	5	288.78	57.75
TOTAL MISC. INCOME	E6	2482	179,224.15	72.20
NET EARN + MISC INC	E7	3980	294,680.13	74.04

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	17488	1,702,167.47	97.33
SHELTER	21	16557	820,345.24	49.54
UTILITIES	22	13553	174,982.82	12.91
EDUC. TUITION	23	35	1,332.91	38.08
TRANSPORTATION	24	118	1,857.25	15.73
CHILD CARE	25	1419	84,398.67	59.47
TELEPHONE	26	12	175.18	14.59
UNIFORM TOOLS	27	2	39.55	19.77
MEDICAL NEEDS	28	15	256.65	17.11
SPECIAL DIETS	29	720	2,992.62	4.15
GUIDE DOG	30	1	4.00	4.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	7	490.00	70.00
RESTAURANT MEALS	34	1	4.00	4.00
HOME CARE	35	1	108.33	108.33
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	2	9.59	4.79
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	2	18.11	9.05
OTHER	40	229	5,605.52	24.47
TOTAL REQUIREMENTS	R1	17485	2,779,491.53	158.96
TOTAL NEED LESS INC	R2	17291	2,472,077.20	142.96
MONEY PAYMENT NEAR $	P1	17647	2,483,476.86	140.73

TOTAL CASES WITH ZERO PAY		115
ADULTS		15383
CHILDREN		46410

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC-U

MONTH OF APRIL 1970

PROGRAM ESETR1

RUN DATE 4-27-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MDTA	01	3	568.00	189.33
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	21	3,002.85	142.99
OTHER EMPLOYMENT	05	22	2,407.29	109.42
TOTAL EARNINGS	E1	42	5,301.24	126.22
ALLOWABLE EARN EXPENSE				
GENERAL	10	40	634.94	15.87
TRANSPORTATION	11	32	465.47	14.54
CHILD CARE	12	2	20.85	10.42
UNION DUES	13	0	.00	.00
UNIFORM TOOLS	14	7	79.38	11.34
TELEPHONE	15	1	5.19	5.19
TOTAL ALLOW EXPENSE	E2	41	1,200.64	29.28
EARNING MINUS EXPENSE	E3	42	4,086.12	97.28
$30.00 AND 1/3	E4	41	2,681.70	65.40
NET EARNINGS	E5	31	1,463.88	47.22
MISCELLANEOUS INCOME				
OASDI	51	4	208.40	52.10
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	4	132.00	33.00
UNEMPLOY. COMP.	54	2	173.00	86.50
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	13	620.58	47.73
CHILD SUPP-CT ORDER	57	1	30.00	30.00
CHILD SUPP-VOLUNTARY	58	0	.00	.00
RETIRE./PENSIONS	59	0	.00	.00
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	1	250.00	250.00
PROTECTIVE PMTS	62	3	655.00	218.33
OTHER	63	9	652.36	72.48
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	37	2,800.48	75.68
NET EARN + MISC INC	E7	65	4,224.11	64.98

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	518	70,106.00	135.33
SHELTER	21	504	27,638.89	54.83
UTILITIES	22	416	6,633.00	15.94
EDUC. TUITION	23	0	.00	.00
TRANSPORTATION	24	18	296.65	16.48
CHILD CARE	25	3	144.00	48.00
TELEPHONE	26	0	.00	.00
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	39	156.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	1	4.00	4.00
OTHER	40	8	222.00	27.75
TOTAL REQUIREMENTS	R1	517	104,752.54	202.61
TOTAL NEED LESS INC	R2	511	100,387.13	196.45
MONEY PAYMENT NEAR $	P1	529	104,882.00	198.26

TOTAL CASES WITH ZERO PAY	17	
ADULTS	1033	
CHILDREN	1586	

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

PROGRAM ESETRI

COUNTY ALL

CATEGORY WIN

MONTH OF APRIL 1970

RUN DATE 4-27-71

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MOTA	01	22	4,546.15	206.64
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	13	983.81	75.67
PRIVATE EMPLOYMENT	04	119	19,372.53	162.79
OTHER EMPLOYMENT	05	27	3,701.07	137.07
TOTAL EARNINGS	E1	163	23,998.68	147.23
ALLOWABLE EARN EXPENSE				
GENERAL	10	155	2,723.19	17.56
TRANSPORTATION	11	120	2,973.79	24.78
CHILD CARE	12	23	623.60	27.11
UNION DUES	13	6	67.63	11.27
UNIFORM TOOLS	14	22	235.10	10.68
TELEPHONE	15	12	167.54	13.96
TOTAL ALLOW EXPENSE	E2	151	6,369.30	42.18
EARNING MINUS EXPENSE	E3	150	17,364.64	115.76
$30.00 AND 1/3	E4	146	11,343.40	77.69
NET EARNINGS	E5	101	6,291.44	62.29
MISCELLANEOUS INCOME				
OASDI	51	37	3,751.90	101.40
RR BENEFIT	52	1	111.10	111.10
VETERAN BENEFITS	53	13	867.45	66.72
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	26	1,193.10	45.88
CHILD SUPP-CT ORDER	57	22	2,035.30	92.51
CHILD SUPP-VOLUNTARY	58	35	3,013.58	86.10
RETIRE./PENSIONS	59	2	357.00	178.50
CASH CONTRIBUTIONS	60	1	20.00	20.00
SPOUSE'S INCOME	61	0	.00	.00
PROTECTIVE PMTS	62	2	505.00	252.50
OTHER	63	13	878.66	67.58
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	139	11,912.19	85.69
NET EARN + MISC INC	E7	242	19,068.89	78.79

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	1547	188,769.50	122.02
SHELTER	21	1513	81,160.40	53.64
UTILITIES	22	1213	18,584.33	15.32
EDUC. TUITION	23	5	382.11	76.42
TRANSPORTATION	24	1094	16,899.40	15.44
CHILD CARE	25	573	37,924.24	66.18
TELEPHONE	26	2	25.40	12.70
UNIFORM TOOLS	27	1	6.50	6.50
MEDICAL NEEDS	28	2	8.00	4.00
SPECIAL DIETS	29	32	128.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	0	.00	.00
OTHER	40	13	257.33	19.79
TOTAL REQUIREMENTS	R1	1547	340,472.56	220.08
TOTAL NEED LESS INC	R2	1544	322,307.71	208.74
MONEY PAYMENT NEAR $	P1	1547	288,951.00	186.78

TOTAL CASES WITH ZERO PAY 11

ADULTS 2102

CHILDREN 4534

41B

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY ADC

MONTH OF MAY 1970

PROGRAM ESETRI

RUN DATE 5-22-70

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MOTA	01	46	8,532.15	185.48
ELEM/SEC EDUCATION	02	17	2,403.34	141.37
WIN PROGRAM	03	4	868.93	217.23
PRIVATE EMPLOYMENT	04	1658	307,776.82	185.63
OTHER EMPLOYMENT	05	355	61,806.69	174.10
TOTAL EARNINGS	E1	2046	360,251.51	176.07
ALLOWABLE EARN EXPENSE				
GENERAL	10	2040	33,733.86	16.53
TRANSPORTATION	11	1596	39,028.57	24.45
CHILD CARE	12	347	10,922.78	31.47
UNION DUES	13	93	1,353.05	14.54
UNIFORM TOOLS	14	285	2,375.08	8.33
TELEPHONE	15	77	1,001.92	13.01
TOTAL ALLOW EXPENSE	E2	2015	84,712.16	42.04
EARNING MINUS EXPENSE	E3	1990	272,858.19	137.11
$30.00 AND 1/3	E4	1909	167,986.79	87.99
NET EARNINGS	E5	1634	111,814.14	68.42
MISCELLANEOUS INCOME				
OASDI	51	950	83,305.37	87.68
RR BENEFIT	52	13	1,177.50	90.57
VETERAN BENEFITS	53	186	12,430.13	66.82
UNEMPLOY. COMP.	54	4	552.55	138.13
WORKMANS COMP.	55	24	3,103.63	129.31
SHELTER UTILITY FOOD	56	629	25,340.67	40.28
CHILD SUPP-CT ORDER	57	228	16,365.13	71.77
CHILD SUPP-VOLUNTARY	58	349	22,911.71	65.64
RETIRE./PENSIONS	59	13	1,642.70	$126.36
CASH CONTRIBUTIONS	60	34	1,629.34	47.92
SPOUSE'S INCOME	61	20	1,376.08	68.80
PROTECTIVE PMTS	62	7	497.00	71.00
OTHER	63	259	15,016.28	57.97
V.A.AID AND ATTENDANCE	64	6	302.78	50.46
TOTAL MISC. INCOME	E6	2512	181,721.51	72.34
NET EARN + MISC INC	E7	4039	297,615.93	73.68

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	17837	1,729,410.48	$...99
SHELTER	21	16900	837,020.73	49.52
UTILITIES	22	13802	177,599.01	12.86
EDUC. TUITION	23	37	1,452.44	39.25
TRANSPORTATION	24	100	1,592.70	15.92
CHILD CARE	25	1474	89,662.36	60.82
TELEPHONE	26	12	175.18	14.59
UNIFORM TOOLS	27	2	39.55	19.77
MEDICAL NEEDS	28	17	301.40	17.72
SPECIAL DIETS	29	771	3,196.62	4.14
GUIDE DOG	30	1	4.00	4.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	6	440.00	73.33
RESTAURANT MEALS	34	1	4.00	4.00
HOME CARE	35	1	108.33	108.33
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	2	9.59	4.79
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	1	10.00	10.00
OTHER	40	208	5,154.63	24.78
TOTAL REQUIREMENTS	R1	17835	2,831,595.20	158.76
TOTAL NEED LESS INC	R2	17653	2,522,477.87	142.89
MONEY PAYMENT NEAR $	P1	17991	2,525,884.42	140.39

TOTAL CASES WITH ZERO PAY 126

ADULTS 15729
CHILDREN 47026

41S

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

PROGRAM ESETR1

COUNTY ALL

CATEGORY ADC-U

MONTH OF MAY 1970

RUN DATE 5-22-70

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
MOTA	01	3	568.00	189.33
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	0	.00	.00
PRIVATE EMPLOYMENT	04	17	2,299.34	135.25
OTHER EMPLOYMENT	05	22	2,309.74	104.98
TOTAL EARNINGS	E1	39	4,649.18	119.20
ALLOWABLE EARN EXPENSE				
GENERAL	10	38	600.08	15.79
TRANSPORTATION	11	30	342.27	11.40
CHILD CARE	12	2	20.85	10.42
UNION DUES	13	0	.00	.00
UNIFORM TOOLS	14	7	75.54	10.79
TELEPHONE	15	1	5.19	5.19
TOTAL ALLOW EXPENSE	E2	38	1,023.74	26.94
EARNING MINUS EXPENSE	E3	39	3,610.96	92.58
$30.00 AND 1/3	E4	37	2,349.59	63.50
NET EARNINGS	E5	29	1,282.01	44.20
MISCELLANEOUS INCOME				
OASDI	51	4	219.20	54.80
RR BENEFIT	52	0	.00	.00
VETERAN BENEFITS	53	5	155.00	31.00
UNEMPLOY. COMP.	54	2	173.00	86.50
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	13	690.58	53.12
CHILD SUPP-CT ORDER	57	1	30.00	30.00
CHILD SUPP-VOLUNTARY	58	0	.00	.00
RETIRE./PENSIONS	59	0	.00	.00
CASH CONTRIBUTIONS	60	0	.00	.00
SPOUSE'S INCOME	61	2	528.00	264.00
PROTECTIVE PMTS	62	4	759.00	189.75
OTHER	63	7	599.25	85.60
V.A.AID AND ATTENDANCE	64	1	.18	.18
TOTAL MISC. INCOME	E6	38	3,233.35	85.08
NET EARN + MISC INC	E7	63	4,371.88	69.39

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PN	20	515	68,341.00	132.73
SHELTER	21	503	27,605.15	54.88
UTILITIES	22	412	6,443.00	15.63
EDUC. TUITION	23	0	.00	.00
TRANSPORTATION	24	14	228.00	16.28
CHILD CARE	25	2	110.00	55.00
TELEPHONE	26	0	.00	.00
UNIFORM TOOLS	27	0	.00	.00
MEDICAL NEEDS	28	0	.00	.00
SPECIAL DIETS	29	47	188.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	1	4.00	4.00
OTHER	40	6	214.00	35.66
TOTAL REQUIREMENTS	R1	514	102,642.15	199.72
TOTAL NEED LESS INC	R2	508	98,023.83	192.96
MONEY PAYMENT NEAR 0	P1	525	102,525.00	195.28

TOTAL CASES WITH ZERO PAY 17

ADULTS	1026
CHILDREN	1532

Issued by Research and Statistics - June 1, 1970

Reeser Repos. PA 70-8

DEPARTMENT OF SOCIAL SERVICES

FINANCIAL DATA STATISTICS

COUNTY ALL

CATEGORY WIN

MONTH OF MAY 1970

PROGRAM ESETR1

RUN DATE 5-22-70

INCOME AFTER DEDUCTIONS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
ROTA	01	26	5,064.15	194.77
ELEM/SEC EDUCATION	02	0	.00	.00
WIN PROGRAM	03	13	983.81	75.67
PRIVATE EMPLOYMENT	04	136	22,343.94	164.29
OTHER EMPLOYMENT	05	35	4,912.30	140.35
TOTAL EARNINGS	E1	186	28,042.18	149.16
ALLOWABLE EARN EXPENSE				
GENERAL	10	180	3,129.25	17.38
TRANSPORTATION	11	141	3,722.57	26.40
CHILD CARE	12	27	766.18	28.37
UNION DUES	13	8	77.13	9.64
UNIFORM TOOLS	14	27	264.64	9.80
TELEPHONE	15	7	87.09	12.44
TOTAL ALLOW EXPENSE	E2	177	7,662.10	43.28
EARNING MINUS EXPENSE	E3	175	20,245.56	115.68
$30.00 AND 1/3	E4	170	13,254.73	77.96
NET EARNINGS	E5	118	7,154.86	60.63
MISCELLANEOUS INCOME				
OASDI	51	39	4,124.90	105.76
RR BENEFIT	52	1	111.10	111.10
VETERAN BENEFITS	53	18	1,108.45	61.58
UNEMPLOY. COMP.	54	0	.00	.00
WORKMANS COMP.	55	0	.00	.00
SHELTER UTILITY FOOD	56	26	1,082.10	41.61
CHILD SUPP-CT ORDER	57	26	2,411.10	92.73
CHILD SUPP-VOLUNTARY	58	43	3,428.48	79.73
RETIRE./PENSIONS	59	2	250.00	125.00
CASH CONTRIBUTIONS	60	1	20.00	20.00
SPOUSE'S INCOME	61	0	.00	.00
PROTECTIVE PMTS	62	3	530.00	176.66
OTHER	63	14	878.74	62.76
V.A.AID AND ATTENDANCE	64	0	.00	.00
TOTAL MISC. INCOME	E6	156	12,929.27	82.87
NET EARN + MISC INC	E7	275	21,278.78	77.37

REQUIREMENTS	CODE	CASES	TOTAL AMOUNT	AVERAGE PER CASE
STD ALLOW FOOD CL PR	20	1669	204,041.90	122.25
SHELTER	21	1629	87,568.45	53.75
UTILITIES	22	1322	20,111.67	15.21
EDUC. TUITION	23	7	321.00	45.85
TRANSPORTATION	24	1166	18,236.60	15.61
CHILD CARE	25	604	40,467.04	66.99
TELEPHONE	26	1	3.40	3.40
UNIFORM TOOLS	27	2	8.50	4.25
MEDICAL NEEDS	28	2	8.00	4.00
SPECIAL DIETS	29	39	156.00	4.00
GUIDE DOG	30	0	.00	.00
GUIDE SERVICE	31	0	.00	.00
COOKING UTENSILS	32	0	.00	.00
ROOM AND BOARD	33	0	.00	.00
RESTAURANT MEALS	34	0	.00	.00
HOME CARE	35	0	.00	.00
CLEAN LIVING QTRS	36	0	.00	.00
LAUNDRY	37	0	.00	.00
MEAL PREPARATION	38	0	.00	.00
N.H. PERSONAL	39	0	.00	.00
OTHER	40	12	255.33	21.27
TOTAL REQUIREMENTS	R1	1669	367,416.03	220.14
TOTAL NEED LESS INC	R2	1665	347,389.64	208.64
MONEY PAYMENT NEAR $	P1	1667	311,565.23	186.90

TOTAL CASES WITH ZERO PAY 11

ADULTS 2263

CHILDREN 4893

410

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action C-2449

ASCENSION VIALPANDO for herself and her minor child, SABRINA VIALPANDO, and both on behalf of all others similarly situated,

Plaintiffs.

vs.

CON F. SHEA, individually and as Executive Director of the DEPARTMENT OF SOCIAL SERVICES, STATE OF COLORADO; CHARLINE J. BIRKINS, individually and as Director of the COLORADO STATE DIVISION OF PUBLIC WELFARE; KEITH D. MCBURNEY, ERNEST J. BLOEDORN, MANUEL DIAZ, JOHN L. HALEY, JAMES A. HENDERSON, M.D., GAIL F. OUREN, HENRY J. TUPPER, WILLIE E. ANTHONY, JAMES H. VINCENT, individually and as constituting the COLORADO STATE BOARD OF SOCIAL SERVICES; and MELVIN POBANZ, individually and as Director of the EL PASO COUNTY DEPARTMENT OF PUBLIC WELFARE,

Defendants.

[Filed Jan. 13, 1972]

Legal Services Office of El Paso County by Messrs. James W. Kin and Tom W. Armour, Attorneys at Law, 300 Old Colorado Commercial Bank Building, Colorado Springs, Colorado, for Plaintiffs; Mr. Duke W. Dunbar, Attorney General and Mr. John P. Moore, Deputy Attorney General by Mr. Douglas D. Doane, Special Assistant Attorney General, 104 State Capitol, Denver, Colorado, for State defendants; Mr. Norman A. Palermo, Attorney at Law, Suite 602 Pikes Peak Building, Colorado Springs, Colorado, for defendant Pobanz.

MEMORANDUM OPINION AND ORDER

ARRAJ, Chief Judge

This case raises the question of whether Colorado has complied with the requirements of § 402(a)(7) of the Social Security Act, 42, U.S.C. § 602(a)(7),[1] that state welfare agencies, in figuring financial need under the Aid to Families with Dependent Children (AFDC) program, "shall . . . take into consideration . . . any expenses reasonably attributable" to the earning of income by an employed welfare recipient, when it allows a flat thirty dollar credit regardless of the recipient's actual work-related expenses. Plaintiff brings this as a class action on behalf of all employed welfare recipients whose actual work-related expenses exceed thirty dollars per month, but who are allowed credit for only thirty dollars under the provisions of Section 4313.13 of the Colorado Division of Public Welfare Staff Manual, Vol. IV,[2] and the practices of the defendants. She claims that the Colorado rules and practices violate § 402(a)(7) of the federal act and do not meet the requirements of the regulations adopted by the Department of Health, Education and Welfare. 45 C.F.R.

---

[1] Title 42 U.S.C. § 602(a)(7) provides:

(a) A State plan for aid and services to needy families with children must . . . (7) . . . provide that the State agency shall, in determining need, take into consideration any other income and resources of any child or relative claiming aid to families with dependent children, or of any other individual living in the same home as such child and relative whose needs the State determines should be considered in determining the need of the child or relative claiming such aid, as well as any expenses reasonably attributable to the earning of any such income; . . .

[2] Section 4313.13 includes the following provision:

For employment expenses such as transportation, special clothing, union dues, special education or training costs, telephone additional food or personal needs, etc, which are an obligation due to the employment, an allowance of $30 per month is made for such costs.

§ 233.20(a)(3)(iv).[3] She also raises constitutional questions which are not under consideration at this time.[4] The case is presently before us on both parties' motions for summary judgment.

The facts are not in significant dispute. The plaintiff Ascension Vialpando was employed and receiving an Aid to Families with Dependent Children grant of seventy-four dollars per month prior to July, 1970. Effective July 1, 1970, the defendants promulgated a new regulation limiting the amount of work-related expenses which a recipient could have exempted from deductions in determining AFDC grants to thirty dollars (besides mandatory payroll deductions). This regulation reduced the plaintiff's budgeted work-expense figure from $181.83 to $85.72 ($55.72 mandatory payroll deductions plus thirty dollars), making the plaintiff ineligible for AFDC. Plaintiff claims that while in theory she should have been able to be self-sufficient, since her earnings adequately provided for her budgeted needs, in fact $96.11 of her earnings had to be used to earn that income and was not available to

---

[3] Title 45 C.F.R. § 233.20 provides:

(a) Requirements for State Plans. A State Plan for OAA, AFDC, AB, APTD, or AABD must, as specified below:

. . .

(3) Income and resources; . . .

(ii) Provide that, in establishing financial eligibility and the amount of the assistance payment; (a) All income and resources, after policies governing the allowable reserve, disregard or setting aside of income and resources have been applied, will be considered in relation to the State's standard of assistance, . . . (c) only such net income as is actually available for current use on a regular basis will be considered and only currently available resources will be considered; . . .

. . . .

(iv) Provide that, in determining the availability of income and resources, the following will not be included as ncome: (a) Income equal to expenses reasonably attributable to the earning of income; . . .

[4] We will recommend that a three-judge court be convened only if the case cannot be disposed of on the statutory ground. Davidson v. Shaffer, C.A. No. C-3224 (D. Colo. Nov. 10, 1971); see Rosado v. Wyman, 397 U.S. 397, 40 (1970).

be applied to her basic needs. In August, 1970, the plaintiff terminated her employment and again received an AFDC grant. On September 1, 1971, plaintiff returned to work and now has expenses of over $100 per month which she alleges are reasonably related to her employment.

Section 402(a)(7) of the Social Security Act amendments of 1962 was designed to encourage welfare recipients to obtain employment, even if their salaries from that employment would not enable them to be completely self-sufficient. Congress recognized that certain extra expenses are incurred by a person holding a job. The Senate report on the bill explains the purposes of this section:

> Under present law, all income of recipients of public assistance is taken into account (with a limited exception under title X in determining need. States are permitted, but not required, to take into consideration the expenses an individual has in earning any income (this practice is not uniform in the country and in a substantial number of State full consideration of such expenses is not given). The committee believes that it is only reasonable for the States to take these expenses fully into account. Under existing law if these work expenses are not considered in determining need, they have the effect of providing a disincentive to working since that portion of the family budget spent for work expenses has the effect of reducing the amount available for food, clothing, and shelter. The bill has, therefore added a provision in all assistance titles requiring the States to give consideration to any expense reasonably attributable to the earning of income. S. REP. NO. 1589,

87th Cong., 2d Sess., found at U.S., CODE CONG. & AD. NEWS 1943, 1959-1960 (1962).

We believe that Congress clearly intended for states to give full credit for all expenses reasonably related to a recipient's employment.

The question of the validity of Colorado's § 4313.13 depends then upon whether a state must comply with all the provisions of the Social Security Act when it accepts federal funds thereunder or whether an approximate compliance is sufficient. The defendant argues that thirty dollars per month is a reasonable approximation of the actual work-related expenses of most employed recipients and that by taking this sum into consideration they have complied sufficiently with § 402(a)(7) of the Social Security Act. "Since the $30 figure accurately reflects the average necessary expenses, an allowance in that amount should be sufficient in most cases." Defendants' Memorandum Brief, p. 7. We note, however, that several recent Supreme Court decisions seem to require quite strict compliance with federal standards. *See, e.g., California Department of Human Resource Development v. Java,* 91 S. Ct. 1347 (1971); *Rosado v. Wyman,* 397 U.S. 397 (1970); *King v. Smith,* 392 U.S. 309 (1968). The only support for the proposition that a state may "approximately" comply with federal requirements that we can find in the defendants' brief and through our own research is dicta in *Rosado v. Wyman* and in *Amos v. Engleman,* C.A. No. 1340-69 (D.N.J., July 6, 1970). We do not read either case as actually supporting the proposition or helping the defendants' position.

In *Rosado* the Court invalidated a New York law which would have redefined the "standard of need" used

to determine eligibility for welfare assistance by replacing itemized grants with a flat grant maximum and eliminating the "special grant" program. The objection to this law was that it would have reduced the content of New York's standard of need, thus lowering it, which the Court found to be prohibited by § 402(a)(23). This section

> invalidates any state program that substantially alters the content of the standard of need in such a way that it is less than it was prior to the enactment of § 402(a)(23), unless a State can demonstrate that the items formerly included no longer constituted part of the reality of existence for the majority of welfare recipients. We do not, of course, *hold that New York may not,* consistently with the federal statutes, *consolidate items on the basis of statistical averages. . .* Providing all factors in the old equation are accounted for and fairly priced and providing the consolidation on a statistical basis reflects a fair averaging, a State may, of course, consistently with § 402 (a)(23) redefine its method for determining need. . . What is at the heart of this dispute is the elimination of special grants in the New York program, not the system of maximum grants based on average age. (Emphasis added.)

We cannot read this as a carte blanche to the states to reasonably average any and all figures to save administrative costs, as the defendants would apparently like for us to do. The standard of need is defined by the states, and the particular method chosen by the states, provided it does not serve to skirt the reevaluation requirements of § 602(a)(23), does not affect any federal policy. Thus, the use of statistical averages in computing items of need is in *complete* compliance with the requirements of the

the language and purposes of the Social Security Act. Social Security Act. The averaging discussed in *Rosado* is legitimate not because *approximate* compliance with the Act is sufficient, but because this particular method of setting a standard of need is completely consistent with

On the other hand, when Colorado does not take employment expenses in excess of thirty dollars per month into consideration in determining need, it provides a disincentive to all recipients whose work-related expenses exceed or would exceed thirty dollars from seeking or retaining employment. This is in direct opposition to the federal policy contained in § 402(a)(7). For this reason we find the state regulation invalid and hold that the defendants should be enjoined from enforcing such regulation. This same conclusion was reached in *Williford v. Laupheimer*, 311 F. Supp. 720 (E.D. Pa. 1969). *See also, Alameda County v. Carleson*, 97 Cal. Rptr. 385, 488 P.2d 953 (1971).

Apparently, the only other case to consider a provision similar to Colorado's was *Amos v. Engleman, supra.* The court enjoined the enforcement of certain New Jersey provisions as violative of 402(a)(8), but refused to disapprove a $50 flat deduction for expenses reasonably attributable to employment, holding:

> There is nothing in this record to establish that $50 is an unreasonable amount for business expense or that the plaintiffs in this action or the person they represented have incurred monthly business expenses in excess of $50. We do not consider that it is inconsistent with the statute for a state to use a standard deduction for business expenses in the interest of efficient administration of the program, provided the

allowance is adequate to cover all actual expenses. *Id.* at 21.

The court seems to base its decision on the plaintiffs' failure to allege or show actual work expenses in excess of $50. The court indicated that the plaintiffs were not precluded from showing the $50 to be "unreasonable or inadequate." The court also, however, quotes from *Rosado,* and adds, "If a state may use statistical averages to determine the various components of need, it may also do so to compute business expenses." *Id.* at 22. As stated above, we feel this analogy is unsound; therefore, to this extent we may disagree with *Amos v. Engleman.* We would agree, however, that the requirements of the Social Security Act must be "strictly applied" to the states. *Id.* at 17.

We conclude that Section 4313.13 of the Colorado Division of Public Welfare staff manual, Vol. IV, contravenes § 402(a)(7) of the Social Security Act [42 U.S.C. § 602(a)(7)]. We further conclude that employment expenses under the AFDC program can be standardized only in accordance with § 3140 of the Handbook of Public Assistance Administration. It is therefore

ORDERED that plaintiff's motion for a summary judgment be and the same hereby is granted, and the defendants' motion for a summary judgment be and the same hereby is denied.

Dated at Denver, Colorado, this 13th day of January, 1972.

BY THE COURT:
ALFRED A. ARRAJ,
Chief Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action C-2449

ASCENSION VIALPANDO for herself and her minor child, SABRINA VIALPANDO, and both on behalf of all others similarly situated,

Plaintiffs.

vs.

CON F. SHEA, individually and as Executive Director of the DEPARTMENT OF SOCIAL SERVICES, STATE OF COLORADO; CHARLINE J. BIRKINS, individually and as Director of the COLORADO STATE DIVISION OF PUBLIC WELFARE; KEITH D. MCBURNEY, ERNEST J. BLOEDORN, MANUEL DIAZ, JOHN L. HALEY, JAMES A. HENDERSON, M.D., GAIL F. OUREN, HENRY J. TUPPER, WILLIE E. ANTHONY, JAMES H. VINCENT, individually and as constituting the COLORADO STATE BOARD OF SOCIAL SERVICES; and MELVIN POBANZ, individually and as Director of the EL PASO COUNTY DEPARTMENT OF PUBLIC WELFARE,

Defendants.

JUDGMENT

[Filed Feb. 17, 1972]

This action having come on for hearing before the Court on December 17, 1971, Honorable Alfred A. Arraj, Chief Judge, United States District Court, presiding, and the issues having been duly heard and an opinion having been duly rendered on January 13, 1972.

IT IS HEREBY ORDERED, ADJUDICATED AND DECREED as follows:

1. That the Plaintiff's Motion for Summary Judgment is hereby granted and the Defendants' Cross-Motion for Summary Judgment is hereby denied on conformance with the opinion rendered by this Court on January 13, 1972.

2. The defendants are granted a stay of ten days from and after the date of entry of this judgment for the purposes of seeking an appeal or review of this ruling. This judgment shall not be effective until said ten day period has expired.

3. That the State of Colorado, the State Board of Social Services and Con F. Shea, Executive Director of the Department of Social Services, State of Colorado, are hereby ordered and directed at the next regularly scheduled meeting of the State Board of Social Services, after this judgment becomes effective to implement the modification of Section 4313.13 of the Colorado Division of Public Welfare Manual, Vol. IV, to comply with the Federal Social Security Act and H.E.W. regulations as is set out in the Court's Opinion of January 13, 1972.

4. That this case is not and has not been a class action. Accordingly, it does not afford declaratory relief to the members of the alleged class.

5. That this judgment confers no right upon the members of the alleged class to retroactive payments.

6. That pursuant to the Order of the Court entered January 13, 1972, the named plaintiffs are entitled to damages due to the defendants' miscalculation of plaintiffs' work expenses and that the amount of such damages shall be determined by the administrative process of the defendants' state and county agencies.

7. Each party shall bear their own costs.

Dated February 17, 1972.

ALFRED A. ARRAJ
Chief Judge
United States District Court

Approved as to Form:
JAMES W. KIN
Attorneys for Plaintiffs

DOUGLAS D. DOANE
Attorney for State Defendants

NORMAN A. PALERMO
Attorney for Defendant Pobanz

[Entered on the Docket Feb. 18, 1972]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. C-2449

(Title Omitted in Printing)

AFFIDAVIT OF JOHN H. JONES

Concerning the derivation of Rule 4313.13 of the Colorado Division of Public Welfare Staff Manual.

STATE OF COLORADO
CITY AND COUNTY OF DENVER ss.

JOHN H. JONES, duly sworn, deposes and says:

1. That he is the Director of the Program Planning and Development Division of the Colorado Department of Social Services.

2. Among other duties, he is responsible for the drafting of rules and amendments to the rules of the Department of Social Services. Such rules are published in the Colorado Division of Public Welfare Staff Manual.

3. He also is responsible for forwarding such rules and amendments to rules to the Denver regional office of the United States Department of Health, Education, and Welfare for approval and receiving and maintaining the records thereof.

4. New rules or amendments to existing rules are referred to by Transmittal Letter (T.L.) numbers. Using the T.L. numbers shown on the face of a series of amendments to the rules one can determine the sequence in which the rules were adopted by the State Board of Social Services.

5. The Transmital Letter is a separate document

which transmits the new rule material to the county welfare departments and other interested persons and explains how the new rule material affects the then existing rules.

6. Transmittal Letter 1008, and the rules attached thereto, effective March, 1970. The rules attached to T.L. 1008 provided for the disregard of work related expenses on an item by item basis with no maximum or average. A copy of Rule 4313.13 as transmitted by T.L. 1008 is attached as Exhibit "A" to this Affidavit.

7. T.L. 1023, and the rules attached thereto, superseded T.L. 1008, and the rules attached thereto, effective March, 1970. A copy is attached here to as Exhibit "B".

8. T.L. 1026, and the rules attached thereto, superseded T.L. 1023, and the rules attached thereto, effective March of 1970. A copy of Rule 4313.13, as transmitted by T.L. 1026, is attached here to as Exhibit "C". It was approved by HEW as shown by Exhibit "D" on May 13, 1970.

9. To give the counties advance warning of a major change in the procedure for handling work expenses, T.L. 1033 was released under a date of May 22, 1970. T.L. 1033, and the rules attached thereto, would have superseded T.L. 1026, and the rules attached thereto, effective July 1, 1970. Exhibit "E" to this Affidavit shows that this rule was received by the Denver regional office of HEW on October 7, 1970, and approved by HEW on November 12, 1970. Exhibit "F" hereto shows that the T.L. was mailed prior to final approval by the State Board of Social Services of the rules attached thereto. Exhibit

"G" shows the Rule 4313.13 as transmitted by T.L. 1033. Since T.L. 1033, and the rules attached thereto, was superseded before it became effective it was transmitted to HEW only by administrative error.

10. T.L. 1033A, and the rules attached thereto, superseded both T.L. 1033 and T.L. 1026, and the rules attached thereto, effective July 1, 1970. Exhibit "H" hereto shows that T.L. 1033A, and the attached rules, were approved by the HEW Denver regional office on July 23, 1970. Exhibit "I" is a copy of T.L. 1033A, which indicates that the rule transmitted by T.L. 1033 did not go into effect. This is confirmed by Exhibit "J" which shows that T.L. 1033A supersedes T.L. 1033 and T.L. 1026.

11. T.L. 1033C, and the rules attached thereto, superseded T.L. 1033A, and the rules attached thereto, effective July, 1970. Exhibit "K" shows that the rule amendment being transmited was approved by the State Board of Social Services in July of 1970. Exhibit "L" shows that Rule 4313.13 was amended to determine the number of exemptions for mandatory deductions.

12. T.L. 1128, and the rules attached thereto, superseded T.L. 1033C, and the rules attached thereto, effective June 1, 1971. The rule was amended at this time to add a provision providing for employment expenses incurred in the operation of a day care center. (See Exhibit "M"). The rule as amended pursuant to T.L. 1128 was approved by the HEW Denver regional office on February 10, 1972. (See Exhibit "N").

13. Since the Rule 4313.13 as transmitted by T.L. 1033 never came into effect, the first time that said rule

provided for a flat $30 allowance per month for employment expenses was in the amendments transmitted with T.L. 1033A. The $30 allowance was provided pursuant to T.L. 1033A by the fifth paragraph of Rule 4313.13, "For employment expenses such as transportation, special clothing, union dues, special education or training costs, telephone, additional food or personal needs, et cetera, which are an obligation due to the employment, allowance of $30 per month is made for such costs." Said fifth paragraph in Rule 4313.13 is the subject of this litigation. Said fifth paragraph was approved by James R. Burress, Regional Commissioner, SRS, on July 23, 1970, and has not been amended since that time. Said fifth paragraph has been in effect and binding on the county departments of public welfare continuously since July of 1970. Mr. Burress has reconfirmed his approval of the said fifth paragraph of Rules 4313.13 as recently as February 10, 1972, when Rule 4313.13, as transmitted by T.L. 1128, containing said fifth paragraph, was approved by Mr. Burress.

JOHN H. JONES

Subscribed and sworn to before me this 29th day of February, 1972.

Witness my hand and notarial seal.
My commission expires: September 12, 1973.

ARLINE H. KRASOVICH
Notary Public

CONSIDERATION OF INCOME
CASH INCOME

4313.13—Cont.

Effective: March, 1970
T.L. No. 1008

Supersedes: T.L. No. 863

4313.13 • EMPLOYMENT INCOME.

All earnings from employment of an ADC child who is a full-time or part-time student who is not employed full time are disregarded in determining the need of the family. For the purposes of this section, a "student" is defined as a person attending a school, college, or university, or attending a course of vocational or technical training designed to fit him for gainful employment. "Full-time employment" is defined as 40 hours per week or the same number of hours as other persons in the same kind or place of work, if the normal work week is less than 40 hours. • For the definition of unemployment for ADC-U, see 4232.61.•

The other policies in this section are applicable to recipients of all categories and to ADC children not covered by the provisions in the preceding paragraph. For discussion concerning non-recipient spouses, in AND, AB, and OAP, see 4315.3.

Net wages from employment are income in the month received.

In arriving at the amount to be considered as an income deduction, when the recipient is regularly employed, certain amounts are first subtracted from the recipient's net earnings. Net earnings are defined as the amount of the individual's daily, weekly, or monthly pay — less mandatory deductions, such as for social security and federal and state taxes. (Payroll savings and other deductions optional with the employee are not included.) • See 4313.131 for computations involved in additional allowances on earnings for AFDC cases. •

Employment expenses which are deducted from the gross amount received by an employed recipient include, but are not restricted to:

Transportation expenses:
Public transportation to and from work is allowed at actual cost. When the recipient must use his own car as transporation to and from work, 5c a mile is allowed, plus parking fees if required. Purchase, repair, or upkeep of a vehicle, providing it is essential to retain employment and the plan therefore is approved by the county department.

• Revised.

COLO. DIVSN. PUB. WELFARE
STAFF MANUAL — VOL IV.

PUBLIC ASSISTANCE
DETERMINATION OF NEED

CONSIDERATION OF INCOME
CASH INCOME

Effective: March, 1970
T.L. No. 1023
Supersedes: T.L. No. 1008

4313.13 * EMPLOYMENT INCOME.

All earnings from employment of an ADC child who is a full-time or part-time student who is not employed full time are disregarded in determining the need of the family. For purposes of this section, a "student" is defined as a person attending a school, college, or university, or attending a course of vocational or technical training designed to fit him for gainful employment. "Full-time employment" is defined as 40 hours per week or the same number of hours as other persons in the same kind or place of work, if the normal work week is less than 40 hours. For the definition of unemployment for ADC-U, see 4232.61.

The other policies in this section are applicable to recipients of all categories and to ADC children not covered by the provisions in the preceding paragraph. For discussion concerning non-receipient spouses, in AND, AB, and OAP, see 4315.3.

Net wages from employment are income in the month received.

In arriving at the amount to be considered as an income deduction, when the recipient is regularly employed, certain amounts are first subtracted from the recipient's net earnings. Net earnings are defined as the amount of the individual's daily, weekly, or monthly pay — less mandatory deductions, such as for social security and federal and state taxes. (Payroll savings and other deductions optional with the employee are not included.) See 4313.131 for computations involved in additional allowances on earnings for AFDC cases.

* From the net earnings, the first fifteen ($15.00) dollars earned in any calendar month from full or part-time employment is deducted to cover any additional food, clothing, (exclusive of any special clothing needs), or personal needs due to employment. For additional considerations in AB earned income see 4316.1. *

Employment expenses which are deducted from the gross amount received by an employed recipient include, but are not restricted to:

Transportation expenses:
Public transporation to and from work is allowed at actual cost. When the recipient must use his own car as transporation to and from work, 5c a mile is allowed, plus parking, fees if required. Purchase, repair, or upkeep of a vehicle, providing it is essential to retain employment and the plan therefore is approved by the county department.

* Reissued because of omission.

EXHIBIT "B" TO AFFIDAVIT OF
JOHN H. JONES

4313.13—Cont.

Effective: May, 1970
T.L. No. 1026

Supersedes: T.L. 1023

4313.13 * EMPLOYMENT INCOME.

All earnings from employment of an ADC child who is a full-time or part-time student who is not employed full time are disregarded in determining the need of the family. For purposes of this section, a "student" is defined as a person attending a school, college, or university, or attending a course of vocational or technical training designed to fit him for gainful employment. "Full-time employment" is defined as 40 hours per week or the same number of hours as other persons in the same kind or place of work, if the normal work week is less than 40 hours. For the definition of unemployment for ADC-U, see 4232.61.

The other policies in this section are applicable to recipients of all categories and to ADC children not covered by the provisions in the preceding paragraph. For discussion concerning non-recipient spouses, in AND, AB, and OAP, see 4315.3.

Net wages from employment are income in the month received.

In arriving at the amount to be considered as an income deduction, when the recipient is regularly employed, certain amounts are first subtracted from the recipient's net earnings. Net earnings are defined as the amount of the individual's daily, weekly, or monthly pay — less mandatory deductions, such as for social security and federal and state taxes. (Payroll savings and other deductions optional with the employee are not included.) See 4313.131 for computations involved in additional allowances on earnings for AFDC cases.

From the net earnings, the first fifteen ($15.00) dollars earned in any calendar month from full or part-time employment is deducted to cover any additional food, clothing (exclusive of any special clothing needs), or personal needs due to employment. For additional considerations in AB earned income see 4316.1.

Employment expenses which are deducted from the gross amount received by an employed recipient include, but are not restricted to:

Transportation expenses:

•Public transportation to and from work is allowed at actual cost. When a recipient must use his own car as transportation to and from work, an allowance of up to a maximum of $30 a month is provided for travel at the rate of 5c a mile for parking fees and for the purchase, repair, or upkeep of a vehicle.
In unusual circumstances, an additional allowance may be provided for transportation upon approval by the county department. To determine

. . .

Department of Health, Education, and Welfare
Social and Rehabilitation Service
Form APA-553 (Rev. 1/52)
Budget Bureau No. 122-R0083

SUBMITTAL AND REPORT OF ACTION ON PUBLIC ASSISTANCE PLAN MATERIALS

1. To:
Department of Health, Education, and Welfare
Regional Office, Federal Office Building
Attention: Mr. James R. Burress, Regional Commissioner — SRS
2. Date May 6, 1970
3. Submittal No. 701
4. From: Colorado Department of Social Services

Enclosed are six copies of the following materials submitted for approval as part of the State's plans for public assistance:

5. Signature: CON F. SHEA
6. Title: Executive Director

Identification of material and program affected	Outline reference	Effective date	Material superseded	Disposition	
7	8	9	10	1/11	12
I. REVISIONS TO STAFF MANUAL VOLUME IV					
A. T.L. No. 1023 3/27/70				O	
1. Section 4313.13 (C)	IV	3/70	Pages 4313-4313-12	*	
2. Section 4313.132 (C)	IV	3/70	Page 4313.132-4313.133	A	
B. T.L. No. 1026 4/14/70				O	
1. Section 4313.13 (C)	IV	3/70	Pages 4313-4313.12 and 4313.13-4313.131	A	
* Superseded by item B1.					

13. To: Colorado Division of Public Welfare.
14. Date 5/13/70.
15. The above materials were received in the regional office on May 11, 1970.
16. Items A and AL accepted for incorporation 5/13/70.
ALLEN M. A. BUCKINGHAM, Regional Commissioner, SRS

[1] The symbols inserted indicate that the items:
(A) Has been accepted for incorporation into the State's approved plan.
(AL) Has been accepted for incorporation into the State's approved plan, comments in letters.
(O) Has been filed as other than plan material.
(NL) Is under consideration and notice of action will be sent later.

EXHIBIT "D" TO AFFIDAVIT OF JOHN H. JONES

Department of Health, Education, and Welfare
Social and Rehabilitation Service
Washington, D.C. 20201

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL, SOCIAL AND REHABILITATION SERVICE STATE PLAN PROGRAMS

To: Regional Commissioner
Social and Rehabilitation Service
Department of Health, Education, and Welfare

Transmittal Number: 70-11

1. Program Identification: Public Assistance Administration
2. Type of Action Submitted for Approval: Amendment

Effective Date: July, August or September, 1970 as shown on attached DSS T.L.'s

Complete Remainder of Part 2 If This is an Amendment: Federal Regulation Citation: 45 CFR 233.20

Number of the Plan Section or Attachment: Determination of Need

Number of the Superseded Plan Section or Attachment: As shown on DSS T.L.'s

Subject of Amendment:

Revised Standards of Assistance

Governor's Review: Governor's Office Reported No Comment

Signature of State Agency Official: CON F. SHEA

Title: Executive Director:

Date: September 30, 1970

Date Received in Regional Office: October 7, 1970
Region: VIII

Signature of Regional Official: ALLEN M. A. BUCKINGHAM

Title: Regional Commissioner

Date: 11/12/70
Accepted for Incorporation into the State's Approved Plan.

Return to:
Colorado Department of Social Services
1575 Sherman Street
Denver, Colorado 80203
Attention: John H. Jones

EXHIBIT "E" TO AFFIDAVIT OF JOHN H. JONES

COLORADO DEPARTMENT OF SOCIAL SERVICES
DIVISION OF PUBLIC WELFARE
1600 Sherman, Denver, Colorado 80203

TRANSMITTAL LETTER

Transmittal Letter No. 1033

Release Date: May 22, 1970

Release Authorization: Charline J. Birkins

Revision to the Staff Manual, Volume IV;
Section — 4313, 4320

Please make the changes described below:

Please make the following changes in Volume IV; Section 4313 and 4320, effective July, 1970, contingent on final Board approval on June 5, 1970.

I.

Remove Pages 4313-4313.12 and replace it with the atached page bearing the same number. On page 4313.13-4313.131 delete the remainder of rule No. 4313.13 which is contained in the first six paragraphs.

The revision places a limit of $30 per month for all expenses of employment which formerly were contained in the last ten paragraphs of Rule 4313.13.

The State Board has passed this rule with the $30 maximum contingent on an analysis concerning the accuracy of that amount as an average for expenses of employment. Such analysis should be ready by the date of the next Board meeting.

Like the changes in Standards of Assistance, which follow, this rule change is being provided in advance of

final approval by the Board in order that county departments may begin work on grant changes for July.

Please note that the $30 maximum, in the event that analysis "proves-out" a higher amount, may require change. If the amount to be substituted is higher, retroactive payments may be necessary concerning the affected cases. In any event, you will be notified as quickly as possible as to the outcome. We regret that we do not have a firm figure in this matter at the present time.

II.

Remove four pages; 4321 - Concl through 4322.21 - Concl. Remove also three pages; 4324.1 - 4324.14 through 4324.3 - 4324.34, and two pages; 4325 - 4325.2 and 4325.2 - Concl. Replace these with the attached pages similarly numbered.

The revisions contained are:

A. A 9% increase in Standards of Assistance for basic allowances in AFDC cases, covering the period from September, 1967 to July, 1969. During this period a 9% increase in the cost of living occurred.

B. A $4 per person increase for AB and AND recipients. This amount is intended to provide a 5% increase made possible by funds provided from the State Legislature.

(Cont.)

4313.13—Cont.

Effective: July, 1970 T.L. No. 1033

Supersedes: T. L. No. 1026

4313.13 * EMPLOYMENT INCOME.

All earnings from employment of an ADC child who is a full-time or part-time student who is not employed full time are disregarded in determining the need of the family. For purposes of this section, a "student" is defined as a person attending a school, college, or university, or attending a course of vocational or technical training designed to fit him for gainful employment. "Full-time employment" is defined as 40 hours per week or the same number of hours as other persons in the same kind or place of work, if the normal work week is less than 40 hours. For the definition of unemployment for ADC-U, see 4232.61.

The other policies in this section are applicable to recipients of all categories and to ADC children not covered by the provisions in the preceding paragraph. For discussion concerning non-recipient spouses, in AND, AB, and OAP, see 4315.3.

New wages from employment are income in the month received.

In arriving at the amount to be considered as an income deduction, when the recipient is regularly employed, certain amounts are first subtracted from the recipient's net earnings. Net earnings are defined as the amount of the individual's daily, weekly, or monthly pay—less mandatory deductions, such as for social security and federal and state taxes. (Payroll savings and other deductions optional with the employee are not included.) See 4313.131 for computations involved in additional allowances on earnings for AFDC cases.

* For recipients having employment expenses such as transportation, special clothing, union dues, special education or training costs, telephone, additional food or personal needs, etc., which are an obligation due to the employment, a deduction of such costs is made on an "as paid" basis but not more than $30 per month. The circumstances of employment which require such cost must be noted in the case record*

* Revised.

EXHIBIT "G" TO AFFIDAVIT OF
JOHN H. JONES

Department of Health, Education, and Welfare
Social and Rehabilitation Service
Form APA-553 (Rev. 1/52)
Budget Bureau No. 122-R0083

SUBMITTAL AND REPORT OF ACTION ON PUBLIC ASSISTANCE PLAN MATERIALS

1. To
Department of Health, Education, and Welfare
Regional Office, Federal Office Building
Attention: Mr. James R. Burress, Regional Commissioner, SRS
2. Date July 13, 1970
3. Submittal No. 710
4. From: Colorado Department of Social Services

Enclosed are six copies of the following materials submitted for approval as part of the State's plans for public assistance:

5. Signature: CON F. SHEA
6. Title: Executive Director

Identification of material and program affected	Outline reference	Effective date	Material superseded	Disposition	
7	8	9	10	1/11	12
I. REVISIONS TO STAFF MANUAL VOLUME IV					
A.					
T.L. No. 997 12/29/69				O	
1. Section 4310 (A,B,C,D)	IV	12/69	Page 4300-4310	A	
B.					
T.L. No. 1030 6/18/70				O	
1. Section 4616 (C)	IV	6/70		A	
C.					
T.L. No. 1033-A 6/9/70				O	
1. Section 4313.13 (C)	IV	7/70	Page 4313-4313.12	A	
2. Section 4613.81 (C)	IV	7/70	Page 4613.7-4613.8	O	
D.					
T.L. No. 1039 5/26/70				O	
1. Section 4132 (A,B,C,D)	IV	5/70	Page 4132-4132.4	A	

13. To: Division of Public Welfare.
14. Date 7/23/70.
15. The above materials were received in the regional office on July 17, 1970
16. Items A and AL accepted for incorporation 7/23/70.

JAMES R. BURRESS, Regional Commissioner, SRS

[1] The symbols inserted indicate that the item:

(A) Has been accepted for incorporation into the State's approved plan.
(AL) Has been accepted for incorporation into the State's approved plan, comments in letters.
(O) Has been filed as other than plan material.

(NL) Is under consideration and notice of action will be sent later.

EXHIBIT "H" TO AFFIDAVIT OF JOHN H. JONES

COLORADO DEPARTMENT OF SOCIAL SERVICES
DIVISION OF PUBLIC WELFARE

1600 Sherman, Denver, Colorado 80203

TRANSMITTAL LETTER

Transmittal Letter No. 1033-A

Release Date: June 9, 1970

Release Authorization: Charline J. Birkins

Revision to the Staff Manual, Vol. IV;
Section 4313 and 4613, Effective July, 1970

Please make the changes described below:

Remove Page4313-4313.12 and replace it with the attached page bearing the same number.

Last month the Board passed a revision to the rules establishing an employment expense allowance on an as-paid basis "up to $30." Since that time we have found that in the determination of the employment expense allowance, a flat rate of $30 can well be substituted for the "up to $30." This will reduce the administrative work in determining these costs on an exact basis. For these reasons the Board passed a further change in the rule effective July, 1970 to provide a flat allowance of employment expense as a deduction from employment income.

Remove Page 4613.81 - Concl. and replace it with the attached page bearing the same number. The same rule also has been made with regard to WIN trainees as a

flat allowance when such individuals require an allowance for transportation to reach their place of training.

The detailed procedure requiring cumbersome computation of needs and so on, has been deleted in favor of a flat $30 monthly allowance in WIN cases, when such individual requires transportation.

EXHIBIT "I" TO AFFIDAVIT OF
JOHN H. JONES

COLO. DIVSN. PUB. WELFARE
STAFF MANUAL — VOL. IV

PUBLIC ASSISTANCE
DETERMINATION OF NEED

CONSIDERATION OF INCOME
CASH INCOME

4313.13—Cont.

Effective: July, 1970

T.L. No. 1033-A

Supersedes: T.L. No. 1033 & No. 1026

4313.13 * EMPLOYMENT INCOME

All earnings from employment of an ADC child who is a full-time or part-time student who is not employed full time are disregarded in determining the need of the family. For purposes of this section, a "student" is defined as a person attending a school, college, or university, or attending a course of vocational or technical training designed to fit him for gainful employment. "Full-time employment" is defined as 40 hours per week or the same number of hours as other persons in the same kind or

place of work, if the normal work week is less than 40 hours. For the definition of unemployment for ADC-U, see 4232.61.

The other policies in this section are applicable to recipients of all categories and to ADC children not covered by the provisions in the preceding paragraph. For discussion concerning non-recipient spouses, in AND, AB, and OAP, see 4315.3.

New wages from employment are income in the month received.

In arriving at the amount to be considered as an income deduction, when the recipient is regularly employed, certain amounts are first subtracted from the recipient's net earnings. Net earnings are defined as the amount of the individual's daily, weekly, or monthly pay — less mandatory deductions, such as for social security and federal and state taxes. (Payroll savings and other deductions optional with the employee are not included.) See 4313.131 for computations involved in additional allowances on earnings for AFDC cases.

* For employment expenses such as transportation, special clothing, union dues, special education or training costs, telephone, additional food or personal needs, etc., which are an obligation due to the employment, an allowance of $30 per month is made for such costs. *
* Revised.

EXHIBIT "J" TO AFFIDAVIT OF
JOHN H. JONES

COLORADO DEPARTMENT OF SOCIAL SERVICES
DIVISION OF PUBLIC WELFARE

1575 Sherman, Denver, Colorado 80203

TRANSMITTAL LETTER

Transmittal Letter No. 1033-C

Release Date: September 29, 1970

Release Authorization: Charline J. Birkins

Revision to the Staff Manual, Volume IV
Section 4313

Please make the change described below:

Remove page 4313-4312.12 and replace with the attached page having the same number.

Section 4313 is revised to include a rule in deductions. Some employed recipients, by claiming less dependdents for income tax purposes are able to retain their eligibility for assistance because their mandatory deductions are greater.

This rule change was approved by the Board in July and should ~~be~~ have been released at that time.

EXHIBIT "K" TO AFFIDAVIT OF
JOHN H. JONES

4313.13—Cont.

Effective: July, 1970

T.L. No. 1033-C

Supersedes: T.L. No. 1033-A

4313.13 * EMPLOYMENT INCOME

All earnings from employment of an ADC child who is a full-time or part-time student who is not employed full time are disregarded in determining the need of the family. For purposes of this section, a "student" is defined as a person attending a school, college, or university, or attending a course of vocational or technical training designed to fit him for gainful employment. "Full-time employment" is defined as 40 hours per week or the same number of hours as other persons in the same kind or place of work, if the normal work week is less than 40 hours. For the definition of unemployment for ADC-U, see 4232.61.

The other policies in this section are applicable to recipients of all categories and to ADC children not covered by the provisions in the preceding paragraph. For discussion concerning non-recipient spouses, in AND, AB, and OAP, see 4315. 3.

New wages from employment are income in the month received.

* Revised.

In arriving at the amount to be considered as an income deduction, when the recipient is regularly employed, certain amounts are first subtracted from the recipient's net earnings. Net earnings are defined as the amount of the individual's daily, weekly or monthly pay—less mandatory deductions, such as for social security and federal and state taxes. *The number of exemptions for mandatory deductions from the payroll claimed by the applicant or recipient must be equal to the number of persons included in the AFDC grant.* (Payroll savings and other deductions optional with the employee are not included.) See 4313.131 for computations involved in additional allowances on earnings for AFDC cases.

For employment expenses such as transportation, special clothing, union dues, special education or training costs, telephone, additional food or personal needs, etc., which are an obligation due to the employment, an allowance of $30 per month is made for such costs.

EXHIBIT "L" TO AFFIDAVIT OF
JOHN H. JONES

COLO. DIVSN. PUB. WELFARE
STAFF MANUAL — VOL. IV
PUBLIC ASSISTANCE
DETERMINATION OF NEED
CONSIDERATION OF INCOME
CASH INCOME

4313.13—Concl.
St. Bd. Approval: May 7, 1971
Effective: June 1, 1971
T.L. No. 1128
Supersedes T.L. No. 1033-C
4313.13 EMPLOYMENT INCOME.

All earnings from employment of an ADC child who

is a full-time or part-time student who is not employed full time are disregarded in determining the need of the family. For purposes of this section, a "student" is defined as a person attending a school, college, or university, or attending a course of vocational or technical training designed to fit him for gainful employment. "Full-time employment" is defined as 40 hours per week or the same number of hours as other persons in the same kind or place of work, if the normal work week is less than 40 hours. For the definition of unemployment for ADC-U, see 4232.61.

The other policies in this section are applicable to recipients of all categories and to ADC children not covered by the provisions in the preceding paragraph. For discussion concerning non-recipient spouses, in AND, AB, and OAP, see 4315.3.

New wages from employment are income in the month received.

In arriving at the amount to be considered as an income deduction, when the recipient is regularly employed, certain amounts are first subtracted from the recipient's net earnings. Net earnings are defined as the amount of the individual's daily, weekly, or monthly pay—less mandatory deductions such as for social security and federal and state taxes. The number of exemptions for mandatory deductions from the payroll claimed by the applicant or recipient must be equal to the number of persons included in the AFDC grant. (Payroll savings and other deductions optional with the employee are not included.) See 4313.131 for computations involved in additional allowances as earnings for AFDC cases.

For employment expenses such as transportation, spe-

cial clothing, union dues, special education or training costs, telephone, additional food or personal needs, etc., which are an obligation due to the employment, an allowance of $30 per month is made for such costs.

• For employment expenses incurred in the operation of a day care facility for children, an employment deduction is made in the amount of $50.00 for one child in care, and an additional $20.00 for each additional in care.•

• Issued.

EXHIBIT "M" TO AFFIDAVIT OF JOHN H. JONES

Department of Health, Education, and Welfare
Social and Rehabilitation Service
Washington, D.C. 20201

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL, SOCIAL AND REHABILITATION SERVICE STATE PLAN PROGRAMS

To: Regional Commissioner
Social and Rehabilitation Service
Department of Health, Education, and Welfare
Transmittal Number: 71-23
1. Program Identification: Assistance Payments Administration
2. Type of Action Submitted for Approval: Amendment
Effectve Date: As shown on attached
Federal Regulation Citation: 45 CFR 233
Number of the Plan Section or Attachment:
As set forth on attached Transmittals No. 1128 and 1152
Number of the Superseded Plan Section or Attachment:
As set forth on attached Transmittals No. 1128 and 1152
3. Governor's Review: Governor's Office Review not required.
See letter of 12/14/70
Signature of State Agency Official: CON F. SHEA, J.J.
Title: Executive Director
Date: December 8, 1971
Date Received in Regional Office: Dec. 14, 1971
Region: VIII
Signature of Regional Official: JAMES R. BURRESS
Title, Regional Commissioner
Date: 2/10/72
Remarks:
Recommended for Incorporation into the State's Approved Plan.
Return To:
Colorado State Department of Social Services
1575 Sherman St.
Denver, Colorado 80202

EXHIBIT "N" TO AFFIDAVITT OF JOHN H. JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. C-2449

ASCENSION VIALPANDO for herself and her minor child, SABRINA VIALPANDO, and both on behalf of all others similarly situated,

Plaintiffs.

vs.

CON F. SHEA, individually and as Executive Director of the DEPARTMENT OF SOCIAL SERVICES, STATE OF COLORADO; CHARLINE J. BIRKINS, individually and as Director of the COLORADO STATE DIVISION OF PUBLIC WELFARE; KEITH D. MCBURNEY, ERNEST J. BLOEDORN, MANUEL DIAZ, JOHN L. HALEY, JAMES A. HENDERSON, M.D., GAIL F. OUREN, HENRY J. TUPPER, WILLIE E. ANTHONY, JAMES H. VINCENT, individually and as constituting the COLORADO STATE BOARD OF SOCIAL SERVICES; and MELVIN POBANZ, individually and as Director of the EL PASO COUNTY DEPARTMENT OF PUBLIC WELFARE,

Defendants.

Legal Services Office of El Paso County by Messrs. James W. Kin and Tom W. Armour, Attorneys at Law, 104 South Tejon, Suite 300, Colorado Springs, Colorado, for Plaintiffs; Mr. Duke W. Dunbar, Attorney General and Mr. John P. Moore, Deputy Attorney General by Messrs. Douglas D. Doane and Charles B. Lennahan, Special Assistant Attorneys General, 104 State Capitol, Denver, Colorado, for State defendants; Mr. Norman A. Palermo, Attorney at Law, Suite 602 Pikes Peak Building, Colorado Springs, Colorado, for defendant Pobanz.

MEMORANDUM OPINION

ARRAJ, Chief Judge.

Following our summary judgment in this case, defendants submitted a pleading denoted "Motion for a New Trial" and a request for a stay of execution to permit the court to examine "newly discovered evidence" in the

form of an amicus curiae brief submitted on behalf of the Secretary of Health, Education and Welfare (HEW) in a case similar to the present one. We allowed a temporary stay pending our reconsideration of this case and to consider the position of HEW. We have fully considered the additional facts and background presented by HEW and determine that they do not affect the legal conclusion we reached earlier.

The defendants seem to misunderstand the nature of the deference shown to HEW. If the question before us were whether a flat grant system would simplify and streamline the AFDC program, then we might well be persuaded that it would. Were we deciding the wisdom of creating a "consumption incentive" by not rewarding welfare recipients who cut down on their work-related expenses, our conclusion might be that this was not a wise policy. But these are not the questions before this court; we are asked to interpret § 402(a)(7) of the Social Security Act, 42 U.S.C. § 602(a)(7).

As we noted earlier, Congress enacted § 402(a)(7) to remove the disincentive to work caused by the increased expenses resulting from most jobs. We should keep in mind that when this amendment was passed, it was the only income disregard provision of general application. (Certain stipends paid in connection with job-training programs were being disregarded.) It was not until several years later that § 402(a)(8) created positive incentives to work by providing that the first $30 per month plus 1/3 of the remainder shall be disregarded in determining need.

It may well be that § 402(a)(7) is an anacronism and that it would be better simply to increase the incen-

tive under § 402(a)(8) by another $30, say, which is approximately the effect of Colorado's Section 4313.13 provision. Congress has not chosen to do this, and no amount of deference to HEW's technical knowledge and administrative experience would justify our rewriting the enactment or contorting its meaning.

A comparison of the cases of *King v. Smith,* 392 U.S. 309 (1968) and *Lewis v. Martin,* 397 U.S. 552 (1970) demonstrates the kind of deference courts should show to HEW. Both cases voided state regulations which would have considered the income of "substitute fathers" or of "men assuming the role of a spouse" in determining need, as violative of the Social Security Act. When *King v. Smith,* was decided, HEW generally approved state programs containing a "man-in-the-house" provision. *King v. Smith, supra* at 334 (Douglas, J., concurring). The particular Alabama regulation involved had not been sanctioned by HEW because of its unique provision that a man cohabiting or having frequent sex relations with a dependent child's mother outside the mother and child's home could be considered a "substitute father." The Court did not adopt the HEW position, but went further, concluding that no "substitute father's" income could be considered unless he was legally obligated to support the child. HEW devised its regulations to conform to this decision, adding a provision that a stepfather's income would not be considered unless he was "legally obligated to support the child under State law of general applicability which required stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children." *Lewis v. Martin* upheld this regulation because HEW could "reasonably conclude that an obligation to support under state law must be of 'general applicability' to make that obligation

in reality a solid assumption on which estimates of funds actually available to children on a regular basis may be calculated." 397 U.S. at 558-559. The Court did not want state law to become a device for lowering welfare costs without guaranteeing the child would actually regularly receive the income of the stepparent. Thus it can be seen that a position taken by HEW based simply on its own interpretation of a statutory enactment does not receive the same deference as a HEW position based on HEW's factual understanding of the realities of the program it administers. *Cf. Torres v. New York State Department of Labor,* 321 F. Supp. 432 (S.D.N.Y. 1971), vacated 402 U.S. 968. We would show deference to HEW's factual conclusions that a flat grant may be a more efficient way to deal with work expenses but we cannot agree with its legal conclusion that § 402 (a)(7) allows this.

The HEW amicus brief describes the process it would require states to go through in order to arrive at a figure which would take expenses "fully into account."

> . . . [A]s a starting point in justifying its flat amount of $35 for work expenses . . . Georgia must identify exactly what items of work expenses are being covered, and on what basis . . .
>
> Once the items have been identified, the much harder job is to show that they have been fairly priced and fairly averaged. The averaging itself may be quite intricate mathematically, but it can be accomplished readily by those who have the requisite competence, provided the data are available on how many individuals had what work expense at what monthly cost. The real problem is to gather the data.
>
> For the agency to conduct an interview in depth

with each recipient who works, and thus determine the exact work expense, and repeat this process over many months to reflect seasonal variations, would yield accurate information, but would be wasteful of time, staff and money. Statistical sampling techniques can yield sufficiently valid results that the State already has information in its case records [sic.], the sampling can be facilitated by using the case records rather than interviews. Nevertheless, under the current HEW practice, a State that wishes to use a flat amount must validate it by accepted techniques of one kind or another.

. . . [C]urrent costs of work expense items . . . could be [ascertained] by interviewing a cross-section of cases. Alternatively, the State could analyze a sample of its case records for periods prior to May, 1969, when the State recognized work expenses on an individualized basis. The costs thereby determined would of course have to be updated to reflect increases in cost levels since the period surveyed. . . .

[A flat amount] must be supported by vigorous justification on an adequate objective basis. . . .

We cannot believe Congress intended to force states to go through such an elaborate process in order to arrive at an approximation. Rather, Congress insisted expenses be taken "fully" into account in order that no recipient would suffer under a disincentive to work, since at that time there were not the positive incentives that now exist.

In conclusion, it should be understood that we are expressing no opinion whatsoever as to whether the work expenses claimed by Mrs.Vialpando are or are not reasonably related to her employment. We hold only that

Colorado may not use a flat amount for work expenses and deny Mrs. Vialpando credit on that basis.

For the reasons herein given, defendants' motion for a new trial is denied.

DATED at Denver, Colorado, this 9th day of March, 1972.

BY THE COURT:
ALFRED A. ARRAJ,
Chief Judge
United States District Court

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Region VIII
Federal Office Building
19th and Stout Streets
Denver, Colorado 80202

May 15, 1972

Social and Rehabilitation Service

ASSISTANCE PAYMENTS
REGIONAL MEMORANDUM NUMBER 12

Subject: Standard Allowance for Expenses Reasonably Attributable to Earning of Income

To: State Welfare Directors
Region VIII

1. The 1962 Amendments to the Social Security Act amended the Act to provide that in determining need the State agency shall take into consideration any expenses reasonably attributable to the earning of any such income. Welfare Administration, Bureau of Family Services, State Letter No. 674 attached the publication titled "Public Assistance 1962." It states as follows: "Other work incentives were offered through provisions that . . . require taking into account necessary expenses that can be reasonably attributable to the earning of income in determining need under all the Federally aided assistance programs."

2. In accordance with 45 CFR 233.20(a)(3)(iv), a State plan must provide that income equal to expenses reasonably attributable to the earning of income will not be included as income. Under 45 CFR 233.20(a)(6)(iv), earned income means the total amount, irrespective of

personal expenses, such as income tax deductions, lunches and transportation to and from work, and irrespective of expenses of employment which are not personal, such as the cost of tools, materials, special uniforms, or transportation to call on customers. 45 CFR 233.20(a)(7)(i) also requires the plan to provide as part of the method for disregarding earned income, that all work expenses, personal and non-personal, will be deducted. SRS unnumbered State Letter of September 26, 1969, recognizes that "for State agencies which have objectively and equitably identified a standard amount for expenses reasonably attributable to employment, the tables (for use in applying the disregard) may be further adjusted as demonstrated below."

3 . Acordingly, it is clear under the Federal policy that State agencies must, as a minimum, consider those items of work expenses identified in 45 CFR 233.20(a)(6)(iv), namely, mandatory payroll deductions, lunches, transportation to and from work, tools, materials and special uniforms and child care costs incurred because of the employment.

4. HEW has accepted State proposals to use a flat amount for expenses attributable to earning of income (other than child care expenses), *where there has been a factual justification of the reasonableness of the flat amount,* as being consistent with the Federal requirements for simple and efficient program administration, and as resulting in an equitable and uniformly administered program. This is also consonant with the requirement in 45 CFR 233.20(a)(1) that States determine need and the amount of assistance for all applicants and recipients on an objective and equitable basis.

5. *Individualization of expenses is also acceptable under Federal policy. The use of a justified flat amount for some items, rather than all items, is also acceptable.* For example, State agencies have developed justified flat amounts for all expenses other than mandatory payroll deductions and child care (which costs are recognized on an individual basis). There are other intermediate combinations. Individualization of expenses up to *a maximum is not acceptable,* because most recipients would not be treated equitably and uniformly under such a method.

JOHN P. SKILLERN
Acting Associate
Regional Commissioner
Assistance Payments

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Nos. 72-1218 and 72-1345 — January 1973 Term

ASCENSION VIALPANDO for herself and her minor child, SABRINA VIALPANDO, and both on behalf of all others similarly situated,

Plaintiff-Appellee.

vs.

CON F. SHEA, individually and as Executive Director of the DEPARTMENT OF SOCIAL SERVICES, STATE OF COLORADO; CHARLINE J. BIRKINS, individually and as Director of the COLORADO STATE DIVISION OF PUBLIC WELFARE; KEITH D. MCBURNEY, ERNEST J. BLOEDORN, MANUEL DIAZ, JOHN L. HALEY, JAMES A. HENDERSON, M.D., GAIL F. OUREN, HENRY J. TUPPER, WILLIE E. ANTHONY, JAMES H. VINCENT, individually and as constituting the COLORADO STATE BOARD OF SOCIAL SERVICES; and MELVIN POBANZ, individually and as Director of the EL PASO COUNTY DEPARTMENT OF PUBLIC WELFARE,

Defendants-Appellants.

Appeal from the United States District Court
for the District of Colorado
(DC-C-2449)

[Filed Mar. 22, 1973]

Charles B. Lennahan, Special Assistant Attorney General, Denver, Colorado (Duke W. Dunbar, Attorney General, John P. Moore, Deputy Attorney General, and Douglas D. Doane, Special Assistant Attorney General, Denver, Colorado, with him on the brief) for Appellants, except Melvin Pobanz.

James W. Kin, El Paso County Legal Services Office, Colorado Springs, Colorado, (Tom W. Armour, El Paso County Legal Services Office, Colorado Springs, Colorado, and Kenneth Neiman, Steven J. Cole and Henry A. Freedman, N.L.S.P., Center on Social Welfare Policy

and Law, New York, New York, of Counsel, with him on the brief) for Appellees.

Before LEWIS, Chief Judge; PICKETT and McWILLIAMS, Circuit Judges.

LEWIS, Chief Judge.

In its present posture, this is a private action brought by appellees, Colorado welfare recipients, against state officials administering the Colorado welfare program. The appeal is from a judgment requiring appellants to implement a modification of the Colorado Division of Public Welfare Manual, § 4313.13 to comply with 42 U.S.C. § 602(a)(7) in determining a family's need under the Aid to Families with Dependent Children (AFDC) program. No party raises any question concerning the nature of the relief granted below.

The AFDC program is financed largely by the federal government on a matching fund basis and is administered by the states. An AFDC grant is computed by comparing a family's income and resources to a standard of need statistically determined by the state. The family income used in this comparison is gross family income less certain exclusions mandated by 42 U.S.C. § 602(a)(7), an employment expense provision, and 42 U.S.C. § 602(a)(8), an income disregard provision. On July 1, 1970 the Colorado Board of Social Services promulgated section 4313.13 of the Colorado Division of Public Welfare Manual. This regulation limits employment expenses under 42 U.S.C. § 602(a)(7) to a standardized $30 figure plus mandatory payroll deductions and child care expenses. The $30 standardized figure is an average based on a statistical survey and is meant to cover "employment expenses such as transportation, special clothing, union

dues, special education or training costs, telephone, additional food or personal needs. . . ." The Colorado method of treating employment expenses embodied in section 4313.13 was approved by the Department of Health, Education and Welfare.

Prior to the effective date of section 4313.13, Colorado excluded from family income all expenses reasonably attributable to the earning of such income. The effect of the new regulation which allows only a standardized exclusion for employment expenses other than mandatory payroll deductions and child care expenses was to reduce appellees' excludible [sic] employment expenses to such an extent that their net income after the exclusions was greater than Colorado's standard of need. As a consequence, appellees were ineligible for AFDC grants and they initiated this action seeking damages and declaratory and injunctive relief. The district court held that the standardization of employment expenses in the new Colorado regulation did not comply with 42 U.S.C. § 602(a)(7) and granted the relief sought.

42 U.S.C. § 602(a)(7) requires that a state AFDC plan must "provide that the State agency shall, in determining need, take into consideration any other income and resources of any child or relative claiming aid to families with dependent children . . . as well as *any* expenses reasonably attributable to the earning of any such income." (Emphasis added.) We interpret the words "any expenses" to mean all actual expenses. Thus 42 U.S.C. § 602(a)(7) requires the states to consider all actual expenses reasonably attributable to the earning of income in determining need. *See* Amos v. Engleman, D.N.J. 333 F. Supp. 1109, 1119 (three-judge court); *modified on*

other grounds, 404 U.S. 23. This interpretation is consistent with the congressional intent that the states should "take these [employment] expenses *fully* into account." S. Rep. No. 1589, 87 Cong., 2d Sess., 1962 U.S. Code Cong. & Ad. News 1943, 1960 (emphasis added). The use of a standardized employment expense exclusion does not take into consideration all actual expenses when a family's expenses exceed the standardized allowance. *CF* Amos v. Engleman, *supra.* In the instant case the appellees' actual employment expenses consistently exceeded the $30.00 standard exclusion. Consequently, Colorado's application of the standardized allowance in determining the appellees' needs does not comply with 42 U.S.C. § 602(a)(7). Campagnuolo v. White, D. Conn., Civil No. 13968; Adams v. Parham, N.D. Ga., Civil No. 16041.

The appellants maintain that the words "take into consideration" in 42 U.S.C. § 602(a)(7) sanction the use of a standardized employment expense exclusion in determining need in all cases. Their reasoning is that these words do not dictate a specified method for treating employment expenses and that the use of a standardized allowance is one acceptable way of taking into consideration expense of employment. The phrase "take into consideration" is flexible and by itself does not require a particular treatment of employment expenses. However, when considered in the statutory framework of 42 U.S.C. § 602(a)(7), these words assume a particular meaning. It should be noted that the phrase "take into consideration" modifes both "income" and "expenses." Consequently, Congress intended employment expenses to be

treated in the same manner as income.[1] Since consideration of each family's income must necessarily be based on actual rather than average figures, expenses attributable to the earning of such income must be taken into consideration in the same manner.

Appellants also contend that the Supreme Court in Rosado v. Wyman, 397 U.S. 397, approved the principle underlying the use of a standardized employment expense allowance. The Rosado case involved 42 U.S.C. § 602(a)(23) and sanctioned the use of statistical averages in computing a standard of need to be applied in the states' administration of their AFDC programs.[2] The Supreme Court has continually stressed the states' "undisputed power" to determine this standard of need. King v. Smith, 392 U.S. 309, 334; Dandridge v. Williams, 397 U.S. 471, 478. Congress itself did not encroach upon this undisputed power until the passage of 42 U.S.C. § 602(a)(23) in 1967.[3] Nevertheless, 42 U.S.C. § 602(a)(7) is indicative of congressional reluctance to give the states the same unfettered discretion to determine the needs of a particular family. Thus, Supreme Court approval of the use of statistical averages in determining the standard of need is

---

[1] When considering the 1962 amendment which added the employment expenses provision, Congress specifically recognized that "all income of recipients . . . is taken into account . . . in determining need." S. Rep. No. 1589, 87 Cong., 2d Sess., 1962 U.S. Code Cong., & Ad. News 1943, 1959. (Emphasis added.) Thus Congress intended that all employment expenses also be considered. See 45 C.F.R. § 233-20 (a)(7)(i).

[2] In **Rosado** the Court said: "We do not, of course, hold that New York may not, consistently with the federal statutes, consolidate items on the basis of statistical averages. . . . Providing all factors . . . are accounted for and fairly priced and providing the consolidation on a statistical basis reflects a fair averaging, a State may, of course, consistently with [42 U.S.C. § 602(a)(23)] redefine its method for determining need. . . . New York is not foreclosed from accountng for basic and recurring items of need . . . by an averaging system." Rosado v. Wyman, 397 U.S 397, 419-20.

[3] 42 U.S.C. § 602(a)(23) required the states to adjust their standards of need by July 1, 1969 in order to reflect cost of living increases.

not a mandate for judicial approval of such averaging in determining the needs of a particular family under 42 U.S.C. § 602(a)(7). *But see* Amos v. Engleman, D. N.J., 333 F. Supp. 1109, 1119 (three-judge court), *modified on other grounds,* 404 U.S. 23.

Additionally, an understanding of the manner in which a state's standard of need and the computation of a particular family's available income and resources under 42 U.S.C. § 602(a)(7) complement each other illustrates the incongruity of Colorado's standardized employment expenses allowance in the instant case. The standard of need is a dollar amount representing the costs of those items which a state has determined to be necessary to maintain a hypothetical family at a subsistence level. Such an estimate by its nature is susceptible to computation through the use of statistical averages and it was thus fitting for the Supreme Court to approve the use of an averaging system in *Rosado.* A state must compare its standard of need to the income and resources actually available to the particular family in order to establish financial eligibility and the amount of an AFDC grant. 45 C.F.R. § 233.20(a)(3)(ii)(a) and (c). 42 U.S.C. § 602(a)(7) requires that the computation of income and resources available to the particular family must take into consideration any expenses reasonably attributable to the earning of income. To uniformly apply a standardized employment expense allowance rather than consider actual expenses in this computation would render meaningless the process of comparing a particular family's available income and resources with a hypothetical family's standard of need.

The problem with the Colorado system is not its use of a standardized allowance but the intransigent adherence

to this standard when a particular family's expenses of employment exceed the allowance. In such cases, Colorado's standard allowance operates as a maximum allowance which we also consider to be inconsistent with 42 U.S.C. § 602(a)(7). Williford v. Laupheimer, E.D. Penn., 311 F. Supp. 720 (three-judge court). Nevertheless, a reasonable interpretation of the statute permits "a state to use a standard deduction for [employment] expenses in the interest of efficient administration of the [AFDC] program, *provided the allowance is adequate to cover all actual expenses.*" Amos v. Engleman, D.N.J., 333 F. Supp. 1109, 1119 (three-judge court), *modified on other grounds,* 404 U.S. 23. (Emphasis added.)

Our interpretation of 42 U.S.C. § 602(a)(7) is consistent with the statutory history and the explicit congressional purpose of providing AFDC families with an incentive to seek employment. S. Rep. No. 1589, 87 Cong. 2d Sess., 1962 U.S. Code Cong. & Ad. News 1943, 1960. Although appellants present numerous policy reasons for a different result, it is not within our realm to legislate social policy. Jefferson v. Hackney, 406 U.S. 535, 541; Dandridge v. Williams, 397 U.S. 471, 487; Rosado v. Wyman, 397 U.S. 397, 422. One specific policy argument deserving comment even in the context of our limited role is the appellants' contention that our decision will compel states to consider unnecessary expenditures. Such fears should be allayed by the statute itself which requires that the subject expenses be reasonably attributable to the earning of income.

Appellants emphasize the approval of section 4313.13 of the Colorado Division of Public Welfare Manual by the Department of Health, Education and Welfare and maintain that this approval should be accorded substantial

weight as a statutory interpretation by the department responsible for the administration of the Social Security Act. This principle, however, is inapplicable when a departmental interpretation is inconsistent with the controlling statute. Townsend v. Swank, 404 U.S. 282, 286. Equally without merit is appellants' contention that under 42 U.S.C. § 604(a)(2) states need only substantially comply with federal statutory requirements. *See* Rosado v. Wyman, 397 U.S. 397, 408; King v. Smith, 392 U.S. 309, 316-17. 42 U.S.C. § 604(a)(2) provides an administrative procedure whereby the Secretary of Health, Education and Welfare may cease funding state programs in order to compel substantial compliance with federal statutory requirements. This statute is inapposite in suits by prospective recipients against state agencies responsible for the administration of the AFDC program.

Affirmed.